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INDONESIA & EAST TIMOR

Political prisoners and the "Rule of Law"

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The New Order government has made a habit of jailing its political opponents. Since 1966 an estimated 3,000 alleged government opponents have been sentenced, following unfair trials, to periods of imprisonment ranging from a few months to life, or even to the death penalty. Hundreds of thousands more have been detained without charge or trial, for periods ranging from a few days to more than 14 years.

The situation has improved dramatically since the 1960s. The vast majority of real or alleged members of the Indonesian Communist Party (*Partai Komunis Indonesia*, PKI) who were detained following an unsuccessful coup on 1 October 1965 were released in the late 1970s. In 1981 the government introduced a new Code of Criminal Procedure which provided significant legal protection for the rights of detainees and suspects. More recently, the authorities have begun to show restraint in their use of the draconian Anti-Subversion Law, under which the vast majority of political prisoners were once tried; and some convicted of subversion have been granted conditional release for good behaviour. No political prisoners are known to have been judicially executed since 1991. Most political trials are now open to the public, foreign observers are usually permitted to attend, and the substance of charges and defence are usually reported in the press. Finally, the newly established National Commission on Human Rights has indicated that it is concerned about the plight of long-term political prisoners, and about the practice of political imprisonment generally.

Despite these advances, the practice of political imprisonment persists, and looks set to continue in the coming years. In late 1994 an estimated 350 alleged government opponents were still held in prisons throughout Indonesia and East Timor, some 40 of them sentenced in the previous year alone.

Many of these prisoners neither used nor advocated violence and are prisoners of conscience. Virtually all were sentenced in trials that failed to meet international standards of fairness, or to comply with Indonesia's own Code of Criminal Procedure;

many were tortured or ill-treated while under interrogation. Some are now serving life sentences and are unlikely to be released before they die. A few suffer serious mental and physical disabilities, others have already died in custody from ill-health. At least 22 have been judicially executed in the past decade after years in prison, while six elderly men remain on death row for political crimes allegedly committed more than a quarter of a century ago.

This report explains why, despite the government's often stated commitment to promoting internationally-accepted human rights norms and principles, the practice of political imprisonment persists in Indonesia and East Timor. It begins with an outline of the laws, regulations and codes that are used by the authorities to imprison and to intimidate real and alleged dissidents. It then looks briefly at various aspects of the process of political imprisonment, focusing on unfair trials, prison conditions, terms of remission, detention without trial, and restrictions following release.

The report also describes the experiences of some of the 350 men and women who remain in prison for their political beliefs nearly 30 years after the New Order came to power. It outlines the charges brought against them, their treatment in police or military custody, and the nature of their trials. Drawing from letters written to friends and from statements made in court, it offers a glimpse into their lives in prison, their suffering and their struggle for dignity. The report concludes with a number of suggestions for addressing the problem of political imprisonment.

KEYWORDS: POLITICAL PRISONERS1 / PRISONERS OF CONSCIENCE1 / TRIALS1 / LEGISLATION1 / TORTURE/ILL-TREATMENT1 / LONG-TERM IMPRISONMENT1 / CONFESSIONS1 / POLITICAL ACTIVISTS1 / TRADE UNIONISTS1 / RELIGIOUS GROUPS - ISLAMIC1 / INDEPENDENCE OF JUDICIARY / DETENTION WITHOUT TRIAL / ARBITRARY ARREST / HOUSE/TOWN ARREST / INCOMMUNICADO DETENTION / ILL HEALTH / DEATH PENALTY / STUDENTS / ACADEMICS / LAWYERS / HUMAN RIGHTS ACTIVISTS / JOURNALISTS / NURSES / GOVERNMENT MINISTERS / CIVIL SERVANTS / ARTISANS / MILITARY AS VICTIMS / AGED / WOMEN / DEMONSTRATIONS / COUPS / ARMED CONFLICT / PRISONERS' TESTIMONIES1 / PHOTOGRAPHS /

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INDONESIA & EAST TIMOR

Political prisoners and the "Rule of Law"

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INDONESIA & EAST TIMOR
Political Prisoners and the "Rule of Law"

1. Introduction

The New Order government has made a habit of jailing its political opponents. Since 1966 an estimated 3,000 alleged government opponents have been sentenced, following unfair trials, to periods of imprisonment ranging from a few months to life, or even to the death penalty. Hundreds of thousands more have been detained without charge or trial, for periods ranging from a few days to more than 14 years.

The practice of arbitrary political imprisonment in Indonesia reached a peak in the years 1965 to 1967 when somewhere between 500,000 and one million real or alleged members of the Indonesian Communist Party (*Partai Komunis Indonesia*, PKI) were detained following an unsuccessful coup on 1 October 1965 that the authorities blamed on the PKI. Many of those detained were held, without ever being charged or tried, for periods ranging from a few days to 14 years. Some 1,000 others were eventually convicted of subversion in unfair trials and sentenced to heavy prison sentences, or to death.

The situation has improved dramatically since the 1960s. In the late 1970s the vast majority of PKI prisoners were released, and in 1981 the government introduced a new Code of Criminal Procedure which provided significant legal protection for the rights of detainees and suspects. More recently, the authorities have begun to show restraint in their use of the draconian Anti-Subversion Law, under which the vast majority of political prisoners were once tried; and some convicted of subversion have been granted conditional release for good behaviour. No political prisoners are known to have been judicially executed since 1991. Most political trials are now open to the public, foreign observers are usually permitted to attend, and the substance of charges and defence are usually reported in the press. Finally, the newly established National Commission on Human Rights has indicated that it is concerned about the plight of long-term political prisoners, and about the practice of political imprisonment generally.

Despite these advances, the practice of political imprisonment persists, and looks set to continue in the coming years. In late 1994 an estimated 350 alleged government opponents were still held in prisons throughout Indonesia and East Timor, some 40 of them sentenced in the previous year alone.

Many of these prisoners neither used nor advocated violence and are prisoners of conscience. Virtually all were sentenced in trials that failed to meet international standards of fairness, or to comply with Indonesia's own Code of Criminal Procedure;

many were tortured or ill-treated while under interrogation. Some are now serving life sentences and are unlikely to be released before they die. A few suffer serious mental and physical disabilities, others have already died in custody from ill-health. At least 22 have been judicially executed in the past decade after years in prison, while six elderly men remain on death row for political crimes allegedly committed more than a quarter of a century ago.

This report explains why, despite the government's often stated commitment to promoting internationally-accepted human rights norms and principles, the practice of political imprisonment persists in Indonesia and East Timor. It begins with an outline of the laws, regulations and codes that are used by the authorities to imprison and to intimidate real and alleged dissidents. It then looks briefly at various aspects of the process of political imprisonment, focusing on unfair trials, prison conditions, terms of remission, detention without trial, and restrictions following release.

The report also describes the experiences of some of the 350 men and women who remain in prison for their political beliefs nearly 30 years after the New Order came to power. It outlines the charges brought against them, their treatment in police or military custody, and the nature of their trials. Drawing from letters written to friends and from statements made in court, it offers a glimpse into their lives in prison, their suffering and their struggle for dignity. The report concludes with a number of suggestions for addressing the problem of political imprisonment.

2. Repressive Legislation

A wide array of repressive laws and regulations have been used to imprison, and even put to death, real or alleged political opponents, and to dissuade potential dissidents from exercising their rights. The laws also contain procedural provisions which can encourage other violations. Significant improvements in new laws on the judiciary and in the new Code of Criminal Procedure have been undermined by official indifference and non-compliance.

Some of the most repressive laws were inherited directly from the Dutch colonial government, or from the "Old Order" of President Sukarno which the current government swept aside in the name of restoring respect for the rule of law. These laws have not only survived under the New Order, they have been widely and energetically employed to imprison its real or alleged opponents.

The current Criminal Code is inherited from the colonial period. Conscious of the need to rid the legal system of the legacy of the past, the government has undertaken to amend it. However, this initiative is unlikely to have an impact on the bulk of Indonesia's repressive legislation for two main reasons. First, the Draft Criminal Code submitted to the Ministry of Justice for review in March 1993, incorporates virtually all of the old laws on "crimes against the state" without significant amendment.[1] Second, much of the most problematic legislation is in the form of Presidential and Ministerial decrees, directives and decisions, which exist independently of, and therefore are largely unaffected by, the Criminal Code.

2.1 The Anti-Subversion Law

A cornerstone of Indonesia's repressive legislation is the Anti-Subversion Law. Originally promulgated as a Presidential Decree in 1963, this law has been used to justify the detention without trial of hundreds of thousands of alleged government opponents, and to put thousands more through show trials.[2] The vague and sweeping language of the law permits the prosecution and conviction of anyone whose words or actions can be construed as disruptive of public order, or critical of *Pancasila*, the government, its institutions or its polices. Article (1) of the law reads:

> *The following are guilty of the crime of subversion:*
>
> *1. Anyone who has engaged in activities with the intention, or the apparent intention, or which s/he knew, or ought to have known might have the effect of:*
>
> *(a) distorting, undermining or deviating from the national ideology Pancasila or the basic policy of the State, or*
>
> *(b) overthrowing, destroying or undermining the power of the State or the authority of the lawful government or the machinery of the State, or*
>
> *(c) disseminating feelings of hostility or arousing dissension, conflict, disorder, disturbances or anxiety within a segment of the population or in*

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[1] Commenting on the draft Criminal Code in 1993, the then director of the Indonesian Legal Aid Institute, Abdul Hakim Nusantara, said: "*...the draft is very, very dangerous especially on definitions of crimes against the state.*"

[2] The original legislation was Presidential Decree No.11/1963 on Eradicating Subversive Activities. In the aftermath of the 1965 coup, Sukarno's Presidential Decrees were deemed to be unconstitutional, and provision was made for their review. In 1966, the Indonesian representative assembly (MPRS) recommended the review of Presidential Decree No.11/1963 with a view to its possible repeal. However, in 1969, on the initiative of the Minister of Justice, the decree was enacted into law, as UU No.11/PNPS/1963 (Act No.5 of 1969).

> *society as a whole, or between the Republic of Indonesia and a friendly state, or*
>
> *(d) disturbing, retarding or disrupting industry, production, distribution, commerce, cooperatives or transport conducted by the Government or based upon a decision of the Government or which has widespread influence on the livelihood of the people.*

The trials conducted under this law are, in effect, political show trials aimed at intimidating real or imagined critics of the government. They have failed in most respects to conform to international standards of fairness. Significantly, in 30 years only one person tried under the law has been found not guilty.

The Anti-Subversion Law also facilitates other human rights violations, such as incommunicado detention, torture, "disappearance" and extrajudicial execution. Key provisions of the Code of Criminal Procedure designed to protect the rights of detainees either do not apply, or are commonly ignored, when the authorities invoke the Anti-Subversion Law. For example, while the Code limits pre-trial detention, and requires judicial approval of detention beyond 60 days, the Anti-Subversion Law allows detention for periods of one year, renewable indefinitely on the authority of the Attorney General. In effect, this means that political suspects can be held indefinitely at the discretion of the local or regional military commander. And while the Code clearly states that only the police are authorized to carry out arrests and investigations, in subversion and other political cases military authorities commonly assume these responsibilities.

The Anti-Subversion Law also provides harsher penalties than other laws on political crimes, including the death penalty. The standards of evidence required to produce a conviction for subversion are also much less rigorous, so that the law is commonly used where the authorities cannot find adequate evidence. The exceptional powers granted to the military and the prosecution under this law, and the heavy restrictions it imposes on detainees' rights, make serious human rights violations almost inevitable. In a frank assessment of the law, one of Indonesia's preeminent legal scholars, Dr Adnan Buyung Nasution, recently commented:

> *The Anti-Subversion Law was clearly designed to protect and defend authoritarian power against any democratic challenge, and it has been used all along as a kind of Sword of Damocles, always threatening to cut off the head of anyone who is considered to threaten that power.*[3]

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[3] Adnan Buyung Nasution, cited in *Suara Pembaruan*, 3 May 1993.

The government has used the Anti-Subversion Law somewhat less frequently in recent years. For example, East Timorese resistance leader, Xanana Gusmão, was not tried for subversion, nor were several other East Timorese tried for their political activities in the past year. This shift has been noted by representatives of some governments, who have described it as a positive development.[4]

While any reduction in the use of the law is welcome, it must be emphasized that, in cases which escape international scrutiny, the law continues to be applied as in the past. In March 1994, for example, at least three suspected members of *Aceh Merdeka* were sentenced to 19 years' imprisonment each for subversion. They joined some 50 Acehnese sentenced to terms of up to life for subversion over the past four years. In October the state prosecutor announced that a further five alleged *Aceh Merdeka* members would soon be brought to trial, also on charges of subversion. Furthermore, a reduction in current applications of the law cannot remedy the injustice inflicted upon those who remain in jail many years after being convicted at unfair trials under the Anti-Subversion Law.

Not only is the Anti-Subversion Law still being used, and not only do hundreds of prisoners continue to suffer because of its past use, but high-ranking government and judicial authorities continue to oppose its abolition. Indeed, some government officials have actually argued for extending the law's scope. Their arguments reveal the dangers inherent in the law. Responding to calls for abolition in early 1993, for example, the Attorney General accused the abolitionists themselves of being subversives:

> *Those who say that the Anti-Subversion Law is unpopular, are those who have the intention of committing subversive acts themselves.*[5]

Despite the widespread criticism and the obvious threat that the law poses to human rights, there are indications that it will be incorporated, with minor revisions, into the new Criminal Code. Some observers have welcomed this as a step forward since incorporation might impose certain legal constraints on its use. In practice, this is unlikely to make much difference. It may simply give the law more permanence and legitimacy.

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[4] For example, in April 1994 an Amnesty International member received a letter from the State Department of the United States of America. While the letter deplored the torture and unfair trial of Adnan Beuransyah, a possible prisoner of conscience, it also noted that "the Indonesian Government has been much more selective during the past year in applying the Anti-Subversion Law, which is a positive development".

[5] Attorney-General Singgih, cited in *Republika* 5 February 1993. On the same occasion, Singgih defended the subversion law by saying it is "...very important for the protection of the state ideology *Pancasila*", *Jakarta Post* 5 February 1993.

Lawyers, parliamentarians, and international human rights experts, including the UN Special Rapporteur on torture, have called repeatedly for the repeal of the Anti-Subversion Law. Some claim that it is unconstitutional, others that its content contravenes prevailing legal principles and norms. All agree that it has been an instrument of repression which is inconsistent with government claims that it respects and protects human rights.

2.2 The Hate-sowing Articles

Faced with strong domestic and international criticism of the Anti-Subversion Law, the government has turned increasingly to articles contained in the Criminal Code to imprison, or to intimidate, alleged political opponents. Seeking to evade allegations that it imprisons its political opponents, it has sought to portray prisoners charged and convicted under these articles as common criminals. However, an examination of the substance of the charges brought in such cases indicates that many are political prisoners, and frequently prisoners of conscience.

The authorities have relied especially on a series of articles which forbid "spreading hatred" against government officials. The Hate-sowing Articles (*Haatzaai Artikelen*) were introduced by the Dutch colonial administration in the early 1900s and, with the rest of the colonial criminal code, were incorporated into Indonesia's Criminal Code after independence. Commenting on the use of these laws, a respected Indonesian legal scholar, Loebby Loqman, said in 1992: "*To date, these articles have been used against those who are considered to disagree with government policy.*"[6]

Articles 154, 155 and 160 are frequently used to suppress dissent. Under Article 154, "*...the public expression of feelings of hostility, hatred or contempt toward the government...*" is punishable by up to seven years' imprisonment. Article 155 prohibits the expression of such feelings or views through the public media, with a maximum penalty of four-and-a-half years' imprisonment. Article 160 prescribes a maximum of six years' imprisonment for "inciting" others to disobey a government order or to break the law. Article 134, although not usually described as one of the Hate-sowing Articles, punishes "insulting the President" with a maximum sentence of six years' imprisonment.

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[6] Another Indonesian human rights lawyer (Nursyahbani K) commented: "Expressing an opinion is always regarded by the authorities as incitement or hatred of those in power." *Forum Keadilan*, 26 November 1992.

These articles have been used in recent years, both singly and in combination, to imprison a range of alleged government critics, including trade unionists, student demonstrators, human rights activists, and members of communities protesting against forced eviction from their lands by government authorities.

2.3 The Code of Criminal Procedure

It is not only repressive laws which have contributed to the human rights problem in Indonesia, but the often arbitrary way in which even the best laws have been implemented. Laws which provide some protection for detainees or defendants are often emasculated by Ministerial and Presidential Decrees or regulations on their implementation. Even in the absence of such regulations, laws which protect the rights of ordinary citizens or which circumscribe the power of the state, are frequently ignored by government and military officials. This is most evident in the implementation of the Code of Criminal Procedure (*Kitab Undang-Undang Hukum Acara Pidana*, KUHAP).

Introduced in 1981, the Code of Criminal Procedure was justly hailed by legal experts as a significant improvement over its predecessor, particularly in the protection it offered the rights of detainees and defendants.[7] Among the more positive provisions in the Code relating to the protection of the rights of detainees and witnesses are the following:

- Sole responsibility for arrest, detention and investigation in criminal cases rests with the Police. (Article 18)

- Suspects must be served with a written warrant of arrest, unless they are caught *in flagrante delicto*, and their relatives must be furnished with a copy of the warrant. (Article 18)

- Detainees have a right to consult with and to be accompanied by legal counsel of their own choice at all stages of interrogation (Articles 54, 55 and 57).

- Legal counsel should be free to meet and speak in confidence with their client. (Articles 70 and 71)

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[7] The rights of suspects and defendants are spelled out in Chapter VI of Indonesia's Code of Criminal Procedure (KUHAP). A 1982 Ministry of Justice Circular argued that the new Code conformed with international human rights law. See Chapter IV of Ministry of Justice Circular M.01.PW.07.03 TH 1982.

- Detainees have a right to have access to medical professionals (Article 58).

- Arrests are valid for a maximum of 24 hours, after which the authorities must authorize detention or release the suspect (Article 19)

- A conviction may not be based on only one piece of evidence and therefore may not be based solely on a suspect's confession. (Article 183)

- Duress in any form may not be used by investigating officials to obtain information from a suspect or witness. (Article 117)

- Suspects/detainees have a right to challenge the legality of their arrest and detention in a pre-trial hearing, known as *pra-peradilan*. (Articles 77 to 82)

In practice, key provisions in the Code are often ignored, or their implementation obstructed by those in positions of power. The problem was summarized by a military commander in Aceh who told lawyers from the Indonesian Legal Aid Institute in 1991: "*You can eat your [Code of Criminal Procedure]. It doesn't apply here.*" For example, detainees are entitled to have a lawyer but many do not have one at the time of interrogation. Police and military authorities regularly deny detainees access to relatives and lawyers and obstruct their efforts to provide legal aid.

The effectiveness of certain provisions in the Code are undermined by other provisions, or by Ministry of Justice guidelines for their implementation. For example, while arrests are valid for only 24 hours they can be extended for a further 60 days without judicial review. One implementing guideline stipulates that suspects may have access to a lawyer only during working hours; but interrogation frequently occurs at night, outside working hours. Moreover, the Code does not require investigating authorities to inform legal counsel of their intention to interrogate a suspect, and as a matter of course they prefer not to do so. While one article of the Code indicates that lawyers should be free to talk in confidence with their clients in prison, another waives this provision where the suspect is accused of a "crime against the state", that is a political crime. A ministerial guideline requires that a prison official be present during conversations between detainees and their lawyers.

The guarantees in the Code are not backed by effective legal sanctions against non-compliance. The Code forbids the use of duress to extract information from a suspect or witness - and the use of torture is a criminal offence under the Criminal Code - but there is no clear rule excluding the use in court of evidence or testimony improperly obtained by the authorities. An accused may complain in court that a confession or testimony was extracted under duress, but the judge decides whether to admit the complaint as evidence. Judges usually dismiss or ignore such pleas, and sometimes threaten defendants with legal action for perjury.

In addition, the judiciary's lack of independence means that judges are disinclined to pursue alleged breaches of the Code which emerge during a trial. Although the system of pre-trial hearings, introduced in the 1981 Code, should allow for some control in cases where torture has been used in investigations, judges are reluctant to rule against the police or other state authorities.

These problems are especially acute in the case of political detainees. As noted above, certain guarantees in the Code of Criminal Procedure do not apply to detainees accused of subversion. The Anti-Subversion Law also grants the security forces expanded powers of search and seizure, and imposes much heavier restrictions on detainees' access to legal assistance, relatives and doctors. In the rare event that an allegation of torture or ill-treatment is formally raised in court by a detainee, members of the judiciary tend to be even more reluctant than usual to take remedial action.

3. The "Rule of Law"

Indonesian government and military authorities claim that the New Order is based on the "rule of law" rather than political power. But the practice of political imprisonment in Indonesia and East Timor tells a somewhat different story. Far from demonstrating the supremacy of law over power, it reveals how the law can be applied arbitrarily against alleged dissidents, and how readily the judicial system can be influenced by those in power.

3.1 A Dependent Judiciary

In law, the Indonesian judiciary is independent of the executive; the reality is very different. Limitations on judicial independence are particularly evident in political cases, where the military has unquestioned authority and judges avoid rulings which would embarrass the government or the security forces. This lack of independence is partly institutional. Judges, court officials and public prosecutors are in practice dependent on the executive branch for their salaries, promotions and other benefits. Those who defy the executive and the military may find their career prospects limited.

Several laws and regulations undermine the independence of the judiciary. All government employees, including judges, must be members of the sole civil servant's organization, *Korps Pegawai Negeri Republik Indonesia* (KORPRI), which operates under the auspices of the powerful Ministry of Home Affairs. The President may intervene directly in judicial matters, by indicating cases which he wishes to see pursued. The Supreme Court may determine whether government decrees and instructions conform with basic laws, but does not have the power of full judicial review.

Even where the judicial system provides formal guarantees of autonomy and impartiality, these are routinely undermined, particularly by the military. Whatever the law may say, the judiciary is an arm of the regime. This has been evident in virtually all political trials.

3.2 Political Trials

The Indonesian Government has sought to justify the imprisonment of political opponents on the grounds that they have been tried and convicted "in accordance with the law". For example, an official of the Indonesian embassy in Vienna sought to reassure Amnesty International members that:

> *Indonesia respects both national and international laws. Indonesia, as a country based on the rule of law, does not tolerate actions such as groundless arrests. Indonesia, as other countries, surely adheres to the principle that suspects may only be arrested and detained with solid reason. The procedures of detention and the grounds on which individuals can be arrested are stipulated in the Indonesian Code of Criminal Procedure (KUHAP).*[8]

But the reality is that, at virtually every stage of the investigation and trial process, defendants in political cases encounter treatment at odds with minimal guarantees in Indonesian and international law.

The charges are often so vague, the evidence of guilt so patently thin, and the sentencing so draconian that they are clearly designed as a public warning against dissent. They are effectively show trials, characterized by the following general features:

- Once charges have been filed, guilt is assumed and conviction is a foregone conclusion.

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[8] Letters to various Amnesty International members from the Counsellor, Head of Information and Cultural Affairs, Indonesian embassy, 12 August 1994.

- Defendants are routinely denied access to legal counsel of their choice, and defence lawyers are often refused access to court documents before the trial starts.

- Political cases are often handled by inexperienced, court-appointed lawyers who provide an inadequate defence.

- Defendants are often convicted on the basis of uncorroborated confessions or testimony extracted under duress.

- Trials are conducted in Indonesian, which is not always understood by defendants, and competent translators are not always provided.

- Defendants are frequently denied the right to cross-examine prosecution witnesses, while witnesses for the defence are often barred.

- Evidence of ill-treatment, torture and other irregularities in the pre-trial process are routinely ignored by the courts.

- Defence lawyers, prosecutors and judges are subjected to pressure from military and government authorities to ensure a guilty verdict.

The government has sought to answer domestic and international criticism by pointing out that political trials are open to the public, and by permitting international observers to attend them. Such openness is welcome, but it is not in itself a guarantee that trials will be fair. The Indonesian authorities, and some other governments, have been quick to applaud the presence of foreign observers at political trials. But they have frequently failed to mention that almost all such observers - representing a range of international organizations - have found that the trials attended failed to meet basic standards for fair trial.

3.3 Treatment of Prisoners and Conditions of Release

Torture and ill-treatment are prohibited under the Indonesian Criminal Code, the Code of Criminal Procedure and by various ministerial regulations. According to the authorities, they are also proscribed by armed forces service oaths. However, these laws and regulations have not prevented torture and ill-treatment or provided effective avenues for redress. Nor have they been effective in ensuring that the perpetrators are brought promptly to justice.

Torture and ill-treatment are commonplace in Indonesia and East Timor and regularly result in death or serious injury. Methods of torture and ill-treatment appear to be standard, with a similar repertoire of techniques reported throughout the various regions of Indonesia and in East Timor. Most political detainees experience some or all of the following methods: beating on the head, shins and torso with fists; lengths of wood, iron bars, bottles, rocks or electric cables; burning with lighted cigarettes; electrocution; slashing with razor blades and knives; death threats, mock executions and deliberate wounding with firearms; immersion for long periods in fetid water; suspension upside-down by the ankles; isolation, sleep and food deprivation; mutilation of the genitals, sexual molestation and rape. While this does not prove that torture is overt government policy, it does indicate that it has become institutionalized within the armed forces.

The treatment of political detainees generally improves after they have been sentenced and transferred to the prison system. Yet serious problems remain, particularly in more isolated areas and in high security prisons where access to lawyers, doctors and relatives may be heavily restricted. Health problems such as skin disorders, respiratory ailments and stiffness arising from unsanitary or unhealthy conditions are common. There are also periodic reports of the injury or death in custody of political prisoners in such prisons. Correspondence to and from political prisoners is often censored or intercepted. Corruption is rife in the Indonesian prison system, and prisoners without access to an independent source of income or basic daily necessities face serious difficulties.

Some political prisoners benefit from the rules on remission of sentences. Remissions of up to four months are granted annually on national independence day (17 August) to all prisoners considered to have behaved well. Recently revised regulations allow for the conditional release of most prisoners after they have served two-thirds of their sentence. However, other rule changes make early release unlikely for some. A 1987 presidential decree means political prisoners serving life sentences can only gain remission through a presidential pardon.

Political prisoners are seldom released unconditionally. Some of the conditions imposed contravene international human rights standards upholding the rights to freedom of thought, expression and opinion. Prisoners are required to demonstrate that they have reformed politically. Most must undergo political "re-education" in prison, and are required to swear allegiance to the state and *Pancasila* before release.

3.4 Detention Without Charge or Trial

In addition to the estimated 3,000 alleged political opponents jailed after unfair trials since 1965, many thousands of prisoners have been detained without charge or trial, some for 14 years. Arbitrary and incommunicado detention is routinely practised to intimidate suspected opponents and to gather political intelligence during counter-insurgency operations. It is also used to prevent or break up strikes, peaceful gatherings, demonstrations and exhibitions.

This practice has been widely criticized, forcing a shift in official tactics. Arbitrary detention now tends to be short-term; suspects are interrogated, often threatened or ill-treated, but released within the 24-hour legal limit. This allows the authorities to disrupt peaceful protests, and to intimidate suspected leaders, and still claim to be acting "in accordance with the law". Mass arbitrary detentions have also been justified in the interests of "national security".

Some of those held in arbitrary, unacknowledged military custody "disappear", making them vulnerable to torture and extrajudicial execution. This problem has been most acute in Aceh and East Timor, but conditions conducive to "disappearance" exist wherever the authorities are able to invoke the interests of "national security". In such situations the legal provisions designed to protect detainees' rights are either ignored or superseded by exceptional laws. The danger is greatest where detainees are held by units of the counter-insurgency force *Kopassus*. In the words of one Acehnese: "*If you're taken away by the military you have a 50-50 chance of coming back. If you're taken by Kopassus you can forget it*".

3.5 Restrictions on Released Prisoners

Years after their release, many political prisoners face severe restrictions on their civil and political rights, and some effectively remain under house or city arrest. The problem is especially acute for those once imprisoned as PKI members or supporters. Although most were never tried or found guilty of any offence, their identity cards are marked "ET", an acronym signifying "Former Political Prisoner". This mark carries with it a powerful political and social stigma, as well as real legal limitations, that affect not only former detainees but also their relatives, including many who were not even born at the time of the 1965 coup.

Former prisoners or PKI members, and often members of their families, are prohibited from working in any occupation which might give them the opportunity to influence public opinion, for example as journalists, teachers, village heads, actors, puppeteers or religious preachers. Severe restrictions on freedom of movement mean that they are effectively under house or town arrest, and must seek special permission to travel or even to move house. Many, including those who were never tried, must report to military or police authorities on a regular basis for years.

Former PKI prisoners also suffer political restrictions. They are granted the right to vote only with the explicit approval of government and military authorities, after investigations to establish their political attitudes and behaviour. Before the June 1992 national elections, the government announced that 36,345 former PKI prisoners would not be permitted to vote. Political party candidates are required to undergo political screening before their nomination can be accepted; those who pass the test but are later discovered to have had some link to the PKI are likely to be forced from office.

4. The Prisoners

The estimated 350 political prisoners held in late 1994 included advocates of independence for East Timor, Aceh and Irian Jaya, Islamic activists, former members of the PKI, university students, trade unionists, and human rights activists. They were in prison for "crimes" such as raising flags, advocating closer ties among Muslims, criticizing the state ideology *Pancasila*, disseminating information about human rights violations, demonstrating for democratic reform, and resisting forcible eviction.

East Timor

Hundreds of suspected opponents of Indonesian rule in East Timor have been tried and sentenced to lengthy prison terms since the invasion of 1975. Many were convicted of rebellion in a series of trials that began in 1984. However, political show-trials have continued in the 1990s, leading to the imprisonment of scores of people on charges including subversion, rebellion and "the expression of hostility" toward the government of Indonesia.

At the end of 1994 some 24 East Timorese were serving sentences ranging from a few years to life imprisonment for various political offences. Most were accused of organizing the procession to the Santa Cruz cemetery in November 1991 - during and after which Indonesian security forces opened fire killing up to 270 people - or the peaceful protest against the massacre held in Jakarta later that month. Many were held incommunicado and tortured while being interrogated.

In addition to those tried, thousands of East Timorese have been held without charge or trial, for periods ranging from a few days to several months, since late 1991.

Many have been denied access to their relatives and lawyers and some are known to have been ill-treated and tortured.

Aceh

At least 50 people have been sentenced to prison terms of between three years and life since 1991 for their alleged links to *Aceh Merdeka*, an armed rebel group seeking independence for Aceh and parts of North Sumatra. All have been convicted in unfair trials under the Anti-Subversion Law, including at least three men sentenced to 19 years each in 1994. The trials of a further five alleged *Aceh Merdeka* members were announced by the authorities in October. At least 24 of those sentenced appeared to be prisoners of conscience, having neither used nor advocated violence.

Trials of the alleged leadership of *Aceh Merdeka* — including university lecturers, civil servants and school teachers — began in March 1991, at the height of an intensive counter-insurgency campaign in which some 2,000 civilians were killed. The public prosecutor acknowledged that members of this group "were not armed" but charged that they were "*...the brains which planned the terrorist actions*" of *Aceh Merdeka*. There was little or no evidence that any of this group had advocated violence or planned violent acts; in fact, some appeared to have argued openly against violence.

In addition to those jailed after unfair trials, at least 1,000 people were held in unacknowledged, incommunicado detention in Aceh and North Sumatra for periods ranging from a few days to more than a year between 1989 and 1994. Scores and possibly hundreds of Acehnese political detainees "disappeared" in custody, and many are feared to have been killed.

Irian Jaya

More than 140 people have been jailed for subversion since 1989 for advocating Irian Jaya's independence. At least 50 remained in jail in late 1994, over half of whom were prisoners of conscience, serving sentences of up to 20 years' imprisonment. Many of these prisoners are held in East Java, more than 1,500 miles away from Irian Jaya, making it difficult for their relatives to visit them.

Among those jailed in 1989 was a group of 37 people who staged a peaceful flag-raising ceremony in December 1988 to proclaim the independent state of "West Melanesia". None of the group had used or advocated violence, a fact acknowledged by the Regional Military Commander for Irian Jaya one month before the group's leader, Dr Wainggai, was sentenced:

> *[It is] really nothing more than a diplomatic group....It is not an armed movement....He had got together a few people to act as functionaries of a new state but he hadn't got around to making any laws.*

More than 40 other suspected supporters of independence were arrested and tried for subversion in 1989 and 1990, and sentenced to up to 17 years' imprisonment. Most were accused of planning to commemorate the 1988 proclamation.

Muslim activists

Hundreds of Muslims have been jailed in Indonesia over the past 15 years. Most were accused of criticizing the government, of undermining *Pancasila*, or of attempting to establish an Islamic state. As of mid-1994, an estimated 150 Muslim prisoners remained in jail, including at least 50 prisoners of conscience.

One of the most significant series of Muslim trials began in 1985, a year after soldiers had massacred scores of protesters in Tanjung Priok, Jakarta. Around half of the 200 people arrested in connection with the protest were subsequently brought to trial. Some were accused of acts of violence, but scores were sentenced to years in jail because of their peaceful beliefs. Several prominent opposition figures were also jailed after criticizing the government's handling of the affair and calling for an independent inquiry.

The next major series of trials began in 1986 and continued until 1989. The defendants were members of small Islamic communities, known as *usroh* and based in Central Java, which aimed to spread Islamic teachings and values. At least 40 *usroh* members were convicted of subversion, for allegedly seeking to establish an Islamic state and undermine *Pancasila*. Little or no evidence was presented to substantiate these allegations.

In early 1989 the spotlight shifted from the *usroh* groups after government troops attacked an alleged militant Islamic sect in Lampung, known by the name of its leader, Warsidi. In the aftermath of the assault, which may have left as many as 100 people dead, the government began a widespread crackdown against Muslims believed to be linked with the "Warsidi Gang". Scores of Muslim activists were arrested in subsequent months in Lampung, Nusa Tenggara Barat, West Java and Jakarta. Most were tried for subversion in 1989 and 1990. All were found guilty and sentenced to terms of up to life imprisonment.

PKI prisoners

A minute fraction of the more than 500,000 people arrested after the 1965 coup, about 1,000 in all, were brought to trial and sentenced to lengthy prison terms or condemned to death. Some 30 remained in prison in late 1994, more than a quarter of a century after their arrest. Most were believed to be prisoners of conscience. Because of their advanced age, a number of PKI prisoners have died in custody; others suffer serious physical and mental disabilities.

The trials of those accused of PKI membership or participation in the coup were uniformly unfair. The virulent anti-communism which followed the 1965 coup meant that few witnesses dared testify on behalf of suspected PKI members on trial for subversion. Defence lawyers acting for PKI members were accused of communist sympathies, threatened and harassed. Many of the witnesses were also prisoners, and in some cases the "evidence" they gave was extracted under torture. There were also serious doubts about the impartiality of the judges, particularly those who headed the special military courts which sentenced high-ranking PKI members to long prison terms or death. Many PKI prisoners were denied the right to appeal; those allowed to appeal often waited 10 or 20 years to learn that their appeals had been rejected.

In addition to those tried, hundreds of thousands were held without charge or trial for periods ranging from a few days to 14 years. A number of former PKI prisoners from both categories, tried and untried, remain under house arrest and face serious restrictions on their civil and political rights and freedom of movement.

Other Political Prisoners

The government has also used repressive legislation to imprison scores of people whose dissenting voices, or criticism of government policy, are deemed unacceptable to those in power. These have included dozens of students sentenced to prison terms ranging from a few months to nine years for their non-violent political activities. Many other students have been detained without charge for short periods, apparently to disrupt their activities - however lawful - and to obtain information about their organizations. The government has used various methods, including short-term detention and imprisonment, to silence the advocates of workers rights and to undermine independent trade unions. Members of farming communities involved in land disputes with private or official bodies, and activists working with them, have suffered a range of abuses, including intimidation, death threats, attempted murder and imprisonment. Some are prisoners of conscience.

Recommendations to the Government of Indonesia

1. Release immediately and unconditionally all prisoners of conscience - those held solely for the non-violent expression of their political or religious views.

2. Ensure that all those detained without charge in connection with their alleged political activities, are charged with a recognizably criminal offence and brought to trial promptly and fairly, or released.

3. Ensure the release, or the speedy and impartial review of the trials of all those sentenced in unfair political trials.

4. Prohibit explicitly by law all forms of torture and other cruel, inhuman or degrading treatment or punishment and ensure that all such acts are recognized as criminal offences, punishable by penalties which reflect the seriousness of the crime.

5. Guarantee that all detainees, including those held for suspected national security offences, are permitted prompt and regular access to lawyers of their choice, and to doctors and relatives.

6. Ensure that any person deprived of their liberty shall be held in an officially recognized place of detention and be brought before a judicial authority promptly after arrest.

7. Take all necessary steps, including the enforcement of existing legislation and the introduction of further legislation, to ensure that statements extracted under torture or other ill-treatment cannot be admitted as evidence during any legal proceedings, except against a person accused of torture as evidence that the statement was made.

8. Promptly repeal the Anti-Subversion Law and conduct a thorough review of all legislation pertaining to national security and public order to ensure that national security interests cannot be invoked to imprison people for the peaceful exercise of their right to freedom of expression

9. Abolish the death penalty and commute all existing death sentences.

Recommendations to UN Member States

1. Urge the Government of Indonesia to invite the UN Working Group on Arbitrary Detention to visit Indonesia and East Timor.

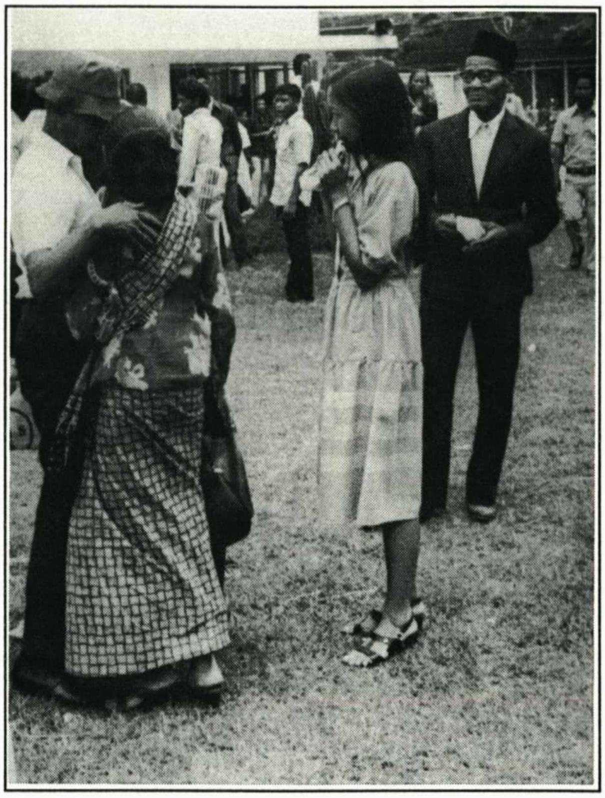
2. Urge the Indonesian Government to permit regular and unhindered monitoring of human rights in Indonesia and East Timor by domestic and international human rights organizations, including Amnesty International.

3. Encourage the Government of Indonesia to accede to the International Covenant of Civil and Political Rights and its Optional Protocols; and to the International Covenant on Economic, Social and Cultural Rights.

4. Encourage the Government of Indonesia to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to recognize the competence of the UN Committee against Torture to receive individual complaints and to hear inter-state complaints.

INDONESIA & EAST TIMOR

30 years in power - 30 prisoners



The theft of one's rights as a human being, without any recourse to a fair and impartial trial, is equivalent to pronouncing us dead under civil law...Remembering that it is the duty of all human beings to become fully human...it is clear that all those who steal the rights of another, as well as all those who suffer such theft, have suffered a loss of their humanity.

Extract from a statement by Pramoedya Ananta Toer, Human Rights Day, 10 December 1992.

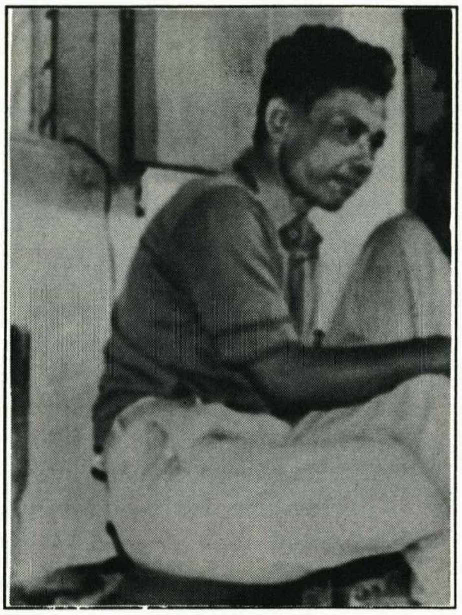
January 1995
AI Index: ASA 21/01/95
Distr: SC/CO/GR

AMNESTY INTERNATIONAL, 1 EASTON STREET, LONDON WCIX 8DJ, UNITED KINGDOM

Front cover caption: A political prisoner - jailed after the 1965 coup attempt - is reunited with his family in 1978.

Pudjo Prasetio

You can't imagine how someone feels, who is locked up for 20 years in a small room, and then receives letters. It is as if the isolation has broken down and scattered in small parts...It is very important to have activities as you do. It is what we call "the true life". Doing something for the interest of humanity is a good action. Besides life becomes more meaningful and lively...I always adapt and take care under the circumstances to make myself survive and wish to make the rest of my life beneficial for the people and human beings.



It was in the afternoon when I was sitting on a bench in front of my cell. I was looking at the sparrows on the grasses that began yellowing for there's been no rain for a long time. With their tiny bills they picked food. They were calling to each other and enjoying themselves thoroughly. How happy they are, I thought. They are free and joyous and never worry about anything. While I was pondering, my friend came from the visiting room, brought a letter and gave it to me. "O thank you very much my friend!" And I went into my room because it was 4.30pm and time to be locked.

Extracts from letters from Pudjo Prasetio.

Pudjo Prasetio is a prisoner of conscience who has spent more than 26 years in jail. He was arrested on 2 November 1967, one of many thousands detained for membership of the now banned Communist Party of Indonesia (PKI), or for alleged involvement in a coup attempt on 1 October 1965. Born in 1926, Pudjo Prasetio is married with three sons and two daughters. Before his arrest, he worked as a shipbuilder and a salesman and was an active trade unionist. He joined the PKI - then a legal political party - in the mid-1950s.

The Indonesian authorities attributed the 1965 coup attempt to the PKI. Although a handful of PKI leaders may have been aware of the planned coup, the record shows that the vast majority of PKI leaders, members and supporters had no knowledge of it and played no role in it. Nevertheless, the authorities used the coup attempt as a pretext for a massive purge of the party and its affiliated organizations. In less than one year between 500,000 and one million real or suspected PKI supporters were killed. Some 500,000 more were arrested after the 1965 coup, and about 1,000 were tried in courts which failed to meet the most basic standards of fairness. The accused were sentenced to long prison terms or condemned to death. Of those tried at least 25 remain in prison; most have been in detention for more than a quarter of a century.

Following the events of 1965, Pudjo Prasetio left Bali where mass summary executions were taking place - an estimated 50,000 in Bali alone. He was arrested in November 1967 in central Java and held for 12 years in untried detention. In 1979 he was brought before the Denpasar District Court in Bali on charges of subversion, although there was no evidence that he had engaged in subversive or criminal activities. He was sentenced to life imprisonment after an unfair trial. Pudjo Prasetio appealed against his conviction and submitted a request for clemency to President Suharto. He learned in March 1991 that it had been rejected. In a letter to an Amnesty International member he wrote:

> ***By the way, my asking for clemency was refused by the president. It means that there's no way more to be released. If there's no political changes I'll be jailed forever.***

Pudjo Prasetio is imprisoned in Denpasar, Bali. For many years he saw nothing of his family, all of whom lived some considerable distance away in Central Java. In recent years his health has deteriorated and he suffers from Parkinson's disease. He is able to receive visits from representatives of the International Committee of the Red Cross, and they have helped to arrange medical treatment for him.

Amnesty International is appealing urgently for Pudjo Prasetio's release.

****

Pudjo Prasetio - Factfile

Date of birth:	7 February 1926
Occupation:	Shipbuilder and trade unionist
Date of Arrest:	2 November 1967, Semarang, Central Java
Charge:	Subversion, involvement in the 1965 coup attempt
Date and place of trial:	Denpasar District Court, Bali, April 1979
Sentence:	Life imprisonment
Place of detention:	Denpasar, Bali, Indonesia

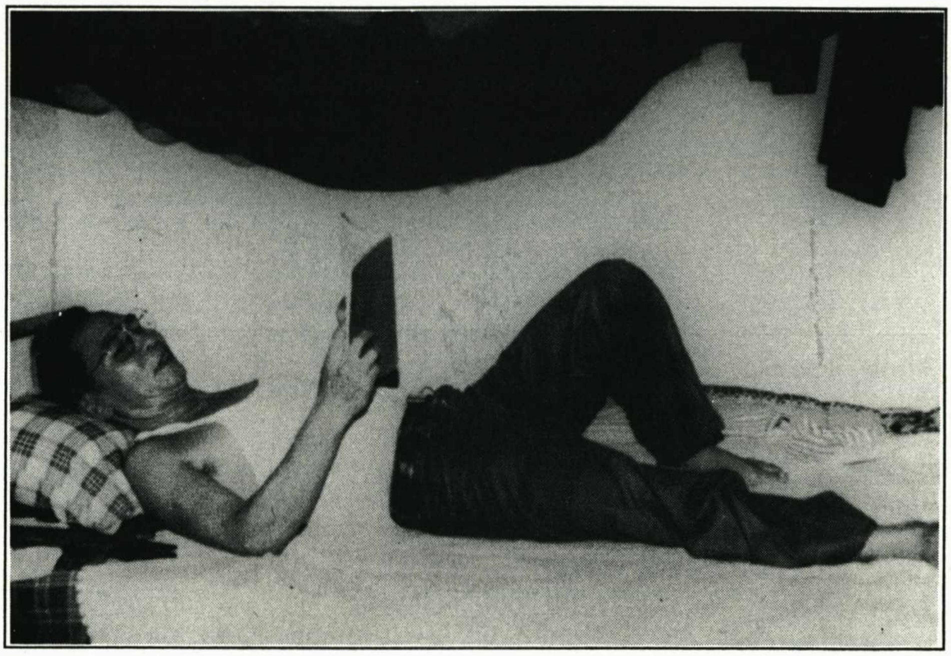
Please write brief, courteous letters or postcards appealing for the immediate and conditional release of Pudjo Prasetio, to:

President Suharto
Presiden RI
Istana Negara
Jalan Veteran
Jakarta Pusat
Indonesia

Haji Utoyo Usman S.H.
Minister of Justice
Jl H R Rasuna Said Kav. 6-7
Kuningan
Jakarta Selatan
Indonesia

Please do not attempt to write directly to any prisoner. This may result in harassment or even ill-treatment.

Markus Giroth



> ***I am still not so well thus far, moreover I have been in the prison for so long long time. But I am still comforted by knowing that I am still remembered by many people in the world.***
>
> **Letter to a friend, January 1993.**

Markus Giroth, aged 58, is a prisoner of conscience who has spent more than 26 years in jail. He is believed to have been arrested in early 1967, one of many thousands detained for membership of the now banned Communist Party of Indonesia (PKI), or for alleged involvement in the coup attempt of 1 October 1965. Markus Giroth was a member of the executive council of SOBSI, the PKI-led trade union federation. He is a prisoner of conscience.

The Indonesian authorities attributed the 1965 coup attempt to the PKI. Although a handful of PKI leaders may have been aware of the planned coup, the record shows that the vast majority of PKI leaders, members and supporters had no knowledge of it and played no role in it. Nevertheless, the authorities used the coup attempt as a pretext for a massive purge of the party and its affiliated organizations. In less than one year between 500,000 and one million real or suspected PKI supporters were killed. Some 500,000 more were arrested after the 1965 coup, and about 1,000 were tried in courts which failed to meet the most basic standards of fairness. The accused were sentenced to long prison terms or condemned to death. Of those tried at least 25 remain in prison; most have been in detention for more than a quarter of a century.

At his trial, Markus Giroth was accused of trying to revive a network of PKI activists in the South Sulawesi region. He was tried by a Special Military Tribunal and sentenced to death on 16 November 1968. The sentence was commuted to life imprisonment in 1983.

Markus Giroth is currently detained in the city of Ujung Pandang, in South Sulawesi, some 850 miles from Jakarta. He is not married and his parents are dead. He has repeatedly asked to be transferred to Jakarta, so that relatives can visit him in detention. These requests have to date remained unanswered.

Amnesty International is appealing urgently to the Government of Indonesia for Markus Giroth to be released immediately and unconditionally.

****

Markus Giroth - Factfile

Date of birth:	26 March 1936
Occupation:	Former leading member of the PKI in South Sulawesi
Date of Arrest:	Early 1967
Charge:	Involvement in the 1965 coup attempt
Date and place of trial:	1968, Special Military Tribunal, Ujung Pandang
Sentence:	Sentenced to death on 16 November 1968. Commuted to life imprisonment in 1983.
Place of detention:	Ujung Pandang, South Sulawesi, Indonesia

Please send brief, courteously worded letters or postcards calling for the immediate and conditional release of Markus Giroth.

President Suharto
Presiden RI
Istana Negara
Jalan Veteran
Jakarta Pusat
Indonesia

Haji Utoyo Usman S.H.
Minister of Justice
Jl H R Rasuna Said Kav. 6-7
Kuningan
Jakarta Selatan
Indonesia

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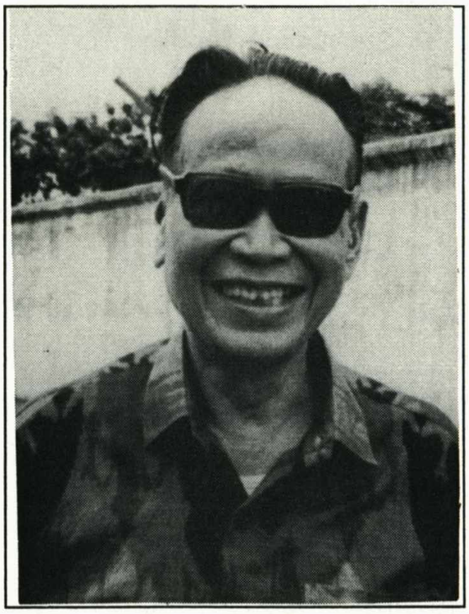
Dr Subandrio



He has not been broken by adversity. He tells me that through this sentence of death, he has come closer to God.

A friend of Dr Subandrio, February 1981.

Dr Subandrio, aged 80, has spent more than 26 years in jail. He was arrested on 13 March 1966, one of many thousands detained for membership of the now banned Communist Party of Indonesia (PKI), or for alleged involvement in the coup attempt of 1 October 1965. A former member of the Indonesian Socialist Party, Dr Subandrio was Foreign Minister and Deputy Prime Minister under the former government of President Sukarno. He is a prisoner of conscience.

The Indonesian authorities attributed the 1965 coup attempt to the PKI. Although a handful of PKI leaders may have been aware of the planned coup, the record shows that the vast majority of PKI leaders, members and supporters had no knowledge of it and played no role in it. Nevertheless, the authorities used the coup attempt as a pretext for a massive purge of the party and its affiliated organizations. In less than one year between 500,000 and one million real or suspected PKI supporters were killed. Some 500,000 more were arrested after the 1965 coup, and about 1,000 were tried in courts which failed to meet the most basic standards of fairness. The accused were sentenced to long prison terms or condemned to death. Of those tried at least 25 remain in prison; most have been in detention for more than a quarter of a century.

Dr Subandrio was tried by a special military tribunal in late 1966, accused of attempting to overthrow the legal government. He pleaded innocence on all charges, stating that he had worked to implement the policies of the legal government. He was convicted of subversion and sentenced to death, although the evidence produced at his trial appears to have been primarily circumstantial. In December 1980 his sentence was commuted to life imprisonment.

Dr Subandrio is currently detained in Cipinang prison, Jakarta, where he is said to be weak and in poor health. During his imprisonment he has suffered the loss of his wife and son. In March 1992, Indonesia's Director General of Corrections visited Cipinang and Dr Subandrio was reported to have told him that he did not wish to die in prison.

Amnesty International is appealing urgently to the Government of Indonesia for Dr Subandrio to be released immediately and unconditionally.

****

Dr Subandrio - Factfile

Date of birth: 15 September 1914
Occupation: Deputy Prime Minister and Foreign Minister under the former Government of President Sukarno
Date of Arrest: 13 March 1966, Jakarta
Charge: Involvement in the 1965 coup attempt
Date and place of trial: October 1966, Special Military Tribunal, Jakarta
Sentence: Sentenced to death in 1966, commuted to life imprisonment in 1980.
Place of detention: Cipinang prison, Jakarta, Indonesia

Please send brief, courteously worded letters or postcards calling for the immediate and conditional release of Dr Subandrio.

President Suharto
Presiden RI
Istana Negara
Jalan Veteran
Jakarta Pusat
Indonesia

Haji Utoyo Usman S.H.
Minister of Justice
Jl H R Rasuna Said Kav. 6-7
Kuningan
Jakarta Selatan
Indonesia

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25 Years on Death Row!
Prisoners accused of involvement in the 1965 coup attempt

Asep Suryaman
Bungkus
Isnanto
Natanael Marsudi
Ruslan Wijayasastra
Sukatno

> ***If my [relative] was considered guilty of breaking the law and must be sentenced to death, I accepted it. But I hoped they wouldn't make him wait too long, maybe do it within two or three years so that he wouldn't have to suffer too much. But that is not how it turned out. Our family waited for many years with fear and hope, with all the happiness and sorrow of raising our children, in the hope that after this long wait the government would certainly grant clemency. But then that hope was destroyed and we are left with even greater sorrow.***
>
> ***Who are we supposed to complain to? To the government? If we do we will undoubtedly get in trouble ourselves. We would never dare to take action; even when we say nothing our family is constantly under observation by the authorities. My children, who are totally innocent of any wrong-doing, suffer. They are accused of being "politically unclean" (having a connection with the PKI), so that they have great difficulty finding any work.***
>
> **Statement by a relative of an executed PKI prisoner.**

The present Government of Indonesia came to power in 1965, in the wake of a military coup. On 1 October 1965 a handful of army officers loyal to former President Sukarno, killed six army generals whom they suspected of disloyalty to the president. The authorities attributed this event to the Communist Party of Indonesia (PKI) leadership. Although a handful of PKI leaders may have been aware of the plan, the record shows that the vast majority of PKI leaders, members and supporters had no knowledge of it and played no role in it.

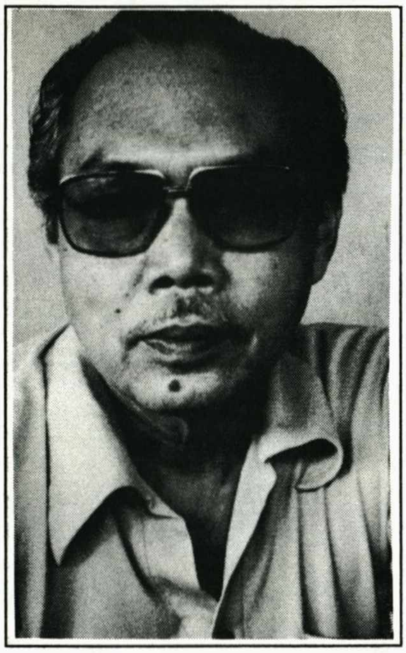
Nevertheless the military, led by General (now President) Suharto blamed the PKI - until then a legal political party - for the abortive coup and used this as a pretext to stage a successful counter-coup. This was the prelude to one of the worst massacres of this century. In less than one year between 500,000 and one million real or suspected PKI supporters were killed. Some 500,000 more were arrested after the 1965 coup, and about 1,000 were tried in courts which failed to meet the most basic standards of fairness. The accused were sentenced to long prison terms or condemned to death. Of those tried at least 25 remain in prison, most for more than a quarter of a century after their arrest.

Six of those tried have been on death row since their arrest after the coup attempt. They were accused of participating in armed actions against the Indonesian Government during 1965 and 1967. However, the extent to which PKI leaders or members knew about, or were involved with, military operations and other acts of violence in 1965 remains a matter of historical dispute. And since the trials of the six were blatantly unfair, the allegations against them remain unproven.

The six prisoners on death row are all elderly; some are paralysed, others are weak and ill. Amnesty International opposes the death penalty unconditionally, as the ultimate form of cruel and inhuman treatment. It believes that in this case the inherent cruelty of the death penalty has been greatly increased by the long and uncertain years the six prisoners have endured in detention. It calls upon the Government of Indonesia to release them all immediately and unconditionally.

Asep Suryaman, aged 69

He was arrested on 28 September 1971 and accused of being a member of the PKI "Special Bureau" responsible for building contacts for the PKI within the military. He was unfairly tried at Central Jakarta District Court on charges of plotting to carry out an attack with the intention of overthrowing the government of Indonesia. He was sentenced to death on 27 August 1975. In March 1990 the Indonesian press reported that Asep Suryaman's plea for clemency (*grasi*) had been rejected by President Suharto. Once this has occurred a prisoner can be executed at any time. However, in May 1990, Asep Suryaman told the press that while he and other PKI prisoners had been told by the head of Cipinang prison to sign statements requesting presidential clemency, they had refused to do so. Asep Suryaman continues to be detained in Cipinang prison, Jakarta. He is reported to be suffering from leukaemia.



Bungkus, aged 67

Bungkus was a sergeant in the *Cakrabirawa*, the Palace Guard, under the Sukarno government. He was arrested on 8 October 1965 and accused of involvement in the coup attempt of 1965. He was sentenced to death on 20 July 1971 by the Jakarta Military Court. Some 16 years after his first conviction - in 1987 - Bungkus was informed that his appeal to the High Court had been rejected. He submitted an appeal to the Supreme Court on 2 February 1990. The outcome of the appeal remains unknown. Bungkus is imprisoned in Cipinang. He is said to be in poor health.

Isnanto, aged 70

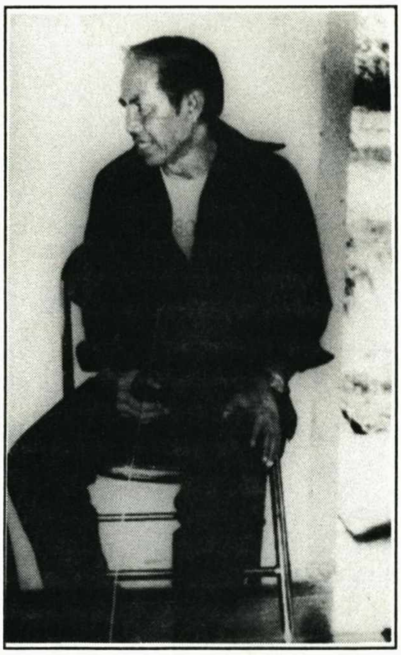
Arrested on 23 February 1967, he was accused of being the coordinator of the "Special Bureau" of the PKI. He was sentenced to death at an unfair trial and remains in prison in Tanjung Gusta Prison, Medan, many miles away from his family. He is reported to be physically weak.

Natanael Marsudi, aged 67

He was a sergeant major in the Indonesian air force in 1965. He was arrested on 5 October 1965 and sentenced to death by an Extraordinary Military Court on 9 October 1968 after an unfair trial. He has reportedly submitted an appeal for presidential clemency but the outcome of the appeal remains unknown. He is held at Cipinang prison in Jakarta and his health is said to be poor.

Ruslan Wijayasastra, aged 76

He was arrested on 14 July 1968 and charged with subversion for his alleged complicity in the 1965 coup attempt. He was also accused of participating in what the government referred to as an armed rebellion of the "new style" PKI in Blitar, East Java in 1967.[1] Ruslan Wijayasastra was sentenced to death on 15 July 1974 by the Central Jakarta Subversion Court. His appeal to the Supreme Court was rejected in mid-1983. He has appealed to President Suharto for clemency but to date no decision is known to have been taken. Before the coup attempt Ruslan Wijayasastra had been a member of the central committee of the PKI, He was deputy chairman of the peasants' union and SOBSI, the PKI-led trade union federation. He is also a former Secretary-General of the International Labour Organization. He is detained in Cipinang prison. He is partially paralysed, nearly blind and very weak.



Sukatno, aged 65

Before the 1965 coup attempt, Sukatno was a member of parliament, chairman of the PKI youth organization and a member of the PKI Central Committee. After the coup attempt he went underground with other senior members of the PKI and he was active in reviving PKI networks in East Java. Sukatno was sentenced to death on 11 March 1971. His appeal to the High Court was rejected in 1975 and the Supreme Court upheld this ruling in 1985. Sukatno has refused to ask for presidential clemency because he maintains that he is innocent, and because he apparently fears that if is denied, the last legal obstacle to his execution would be removed. Despite his expressed wish, Sukatno has been pressured by prison and military officials to request clemency; and, in February 1991, it was revealed that the District Court of Jakarta had submitted a request for clemency in 1986, without Sukatno's knowledge. President Suharto rejected the appeal on 13 May 1992. There are now no formal obstacles to the judicial execution of Sukatno.

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[1] After the coup attempt some PKI leaders went to East Java and tried to reconstruct the party there. The Blitar rebellion is the term used by the Indonesian Government to describe an armed clash between Indonesian forces and people with links to the PKI in 1967. The identity of those responsible for the clash remains unclear, as do the nature and extent of PKI leaders' and members' involvement. Nevertheless, the incident was used by the authorities as a pretext for the arrest of many PKI leaders.

****

Please send brief, courteously-worded letters and postcards appealing for the immediate and unconditional release of all the PKI prisoners who remain on death row. You may wish to mention some or all of the prisoners by name, and to note that many are elderly and sick.

Send your letters one or more of the following:

President Suharto
Presiden RI
Istana Negara
Jalan Veteran
Jakarta Pusat
Indonesia

Haji Utoyo Usman S.H.
Minister of Justice
HR Rasuna Said
Kav. 6-7
Jakarta Selatan
Indonesia

Ali Alatas
Minister of Foreign Affairs
Menteri Luar Negeri
Medan Taman Pejambon 6
Jakarta
Indonesia

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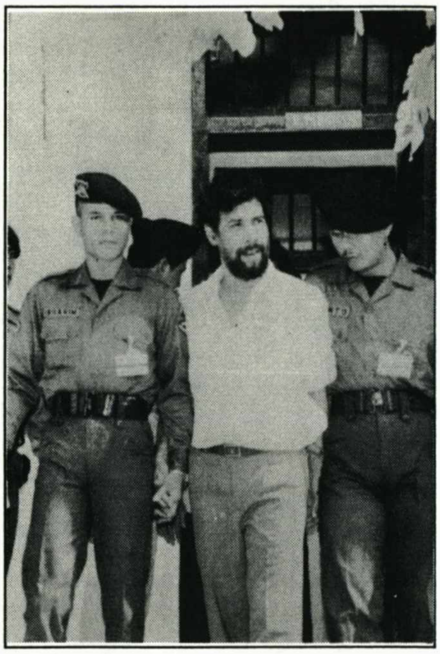
Xanana Gusmão



I believe that humanity is naturally idealist. I don't know how to define idealism but I basically feel that idealism is a longing for freedom, for law and justice, and consequently that it means the intransigent defence of these standards...Humanity aspires to a great ideal: the fulfilment of both individuals and peoples within a wide framework of freedom, law, justice and peace.

Extract from defence statement of Xanana Gusmão, Dili District Court, East Timor, May 1993

The leader of the independence movement in East Timor, Xanana Gusmão, was captured on 20 November 1992. Immediately following his arrest he was held in secret detention and may have been subjected to psychological or physical ill-treatment. He was sentenced to life imprisonment in May 1993 after being found guilty of rebellion and illegal possession of firearms. The sentence was commuted to 20 years by Indonesia's President, Suharto, in August 1993.

In view of the fact that Indonesia's sovereignty over East Timor has not been recognized by the United Nations, the competence of Indonesian courts to try Xanana Gusmão, and other East Timorese, is open to question. It is especially doubtful whether an East Timorese can legitimately be charged with rebellion against a government whose occupation of a territory has not been recognized internationally, as is the case with the Indonesian presence in East Timor.[2] Furthermore, the general political atmosphere within which the trial took place - one of undisguised official hostility to the defendant - and the fact of repeated military and government interference with the judicial process, meant that a fair trial was virtually impossible.

After his capture on 20 November 1992, Xanana Gusmão was held in secret military custody for 17 days before representatives of the International Committee of the Red Cross (ICRC) were permitted to see him. Xanana Gusmão was also denied access to a lawyer while under interrogation and there were doubts about whether he was free to appoint a lawyer of his own choosing, as required by Indonesian law. Lawyers from the Indonesian Legal Aid Institute (LBH) were not permitted to visit him, despite having been given power of attorney by his relatives. A defence lawyer was finally appointed on 26 January 1993, just six days before the trial began.

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[2] Indonesian forces invaded East Timor in December 1975. In July 1976 Indonesia declared East Timor its 27th province but its sovereignty has never been recognized by the UN.

The trial itself was marked by violations of international and domestic standards for fair trial. Prosecution witnesses, many of whom were themselves political detainees, appear to have been subjected to undue pressure from military authorities, making their testimony unreliable. One such witness was Saturnino da Costa Belo, who unexpectedly shouted "*Viva Timor Leste*" (long live East Timor) in the court. He was removed, placed in isolation and subsequently declared to be "*mentally disturbed*" and unfit to testify. Fear of official reprisals also meant that many witnesses were too afraid to testify for the defence. A further problem was that neither Xanana Gusmão nor many of the witnesses were fluent in Indonesian, the language used in court; and the translation services were neither complete nor accurate.

Perhaps the most blatant contravention of fair trial standards came in one of the final sessions, when Xanana Gusmão was due to read his final defence plea. After he had read two pages of a 29-page statement, the presiding judge ordered him to stop, claiming that his remarks were "irrelevant". Government officials have since repeated the judge's claim. In fact, the statement addressed highly sensitive political issues, such as the question of Indonesia's sovereignty over East Timor. It was widely believed that the statement was suppressed in order to prevent Xanana Gusmão from raising in public such critical issues.[3]

Since the trial, serious concerns have arisen over the treatment of Xanana Gusmão in detention. In early January 1994, the Indonesian Government "temporarily" suspended ICRC and family visits to Xanana Gusmão, after it was discovered that he had written letters to the International Commission of Jurists and the Portuguese Government. In the letters he described the unfairness of his trial and asked to be retried in an international court. He also expressed his wish to consult LBH lawyers. Following strong protests from domestic human rights organizations the ban on visits by the ICRC and relatives was lifted on 7 February 1994. In April, Xanana Gusmão wrote to Amnesty International and asked the organization to pressure the authorities for a transfer to another block of the prison. In the letter he complained of being subjected to various kinds of psychological pressure. He said that criminal prisoners in Cipinang were being encouraged by the authorities to insult and harass him continuously.

Despite lifting the ban on visitors, the authorities continued to prevent Xanana Gusmão from meeting LBH lawyers. When asked to explain this decision Indonesia's Director General of Corrections reportedly said: "*What is Xanana's interest to meet lawyers of the LBH? If all people who want to [are allowed to] visit him, his cell will be full*".[4] In mid-February 1994, the Minister of Justice told the press that anyone, including lawyers could visit Xanana, but that LBH lawyers would not be allowed to do so because the purpose of such a visit "*is not clear*". The Director General of Corrections stated that LBH lawyers only wanted to visit Xanana to ask about the legality of his trial - an issue which was no longer open to question. He said that a verdict had been passed and a request for clemency granted when the President commuted the sentence in August 1993.[5]

Xanana was eventually permitted to meet LBH lawyers in late March. At the meeting he signed a letter authorizing LBH to act on his behalf and to seek a judicial review of his trial. He told the lawyers that his trial was unfair and that he had never requested clemency because he did not accept the jurisdiction of the courts in the first place. The request for a trial review was rejected by Justice Minister, who said that the legal process against Xanana had been completed and that in granting a retrial the government would set a "*bad precedent*".[6] LBH representatives were able to meet Xanana again in July, after two failed attempts, and they again pledged to support Xanana in his request for a judicial review of his trial. In response to questions from the press, the Justice Minister reiterated his earlier view, saying that it would be "*strange and unethical*" for the case to be reopened.[7] The Minister did say, however, that the decision on a retrial was the responsibility of the Supreme Court.[8]

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[3] The text of Xanana Gusmão's defence statement has been published by Amnesty International, see the document *East Timor: Unfair political trial of Xanana Gusmão*, July 1993 (ASA 21/05/93).

[4] *Associated Press*, 10 February 1994.

[5] *Editor*, 17 February 1994.

Jose Alejandro Xanana Gusmão was born on 20 June 1946 in Laleia, Manatuto in northern East Timor. He married Maria Emilia Baptista in 1969 and he has two children.[9] In 1974 Xanana joined the *Frente revolucionaria de Timor Leste* (Fretilin), a political party which declared the independence of East Timor on 27 November 1975. After Indonesia's invasion of East Timor, Xanana became the leader of the resistance movement, which has continued to seek the independence of East Timor, through armed struggle and peaceful political activity.

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[6] *Radio Australia*, 24 March 1994.

[7] *Reuter*, 26 July 1994.

[8] *Jakarta Post*, 26 July 1994.

[9] After the Indonesian invasion of East Timor in 1975, the family had no contact with Xanana until they visited him in prison in 1994. They have been living in exile in Australia since 1990.

Xanana Gusmão - Factfile

Date of birth: 20 June 1946
Occupation: Leader of *Fretilin* East Timor's resistance movement
Date of Arrest: 20 November 1992
Charge: Rebellion and illegal possession of firearms

Legislation: Article 106 (attempt to separate part of territory of State of Indonesia); Article 108 (rebellion); Law no. 12 of 1951 (illegal possession of firearms)
Date and place of trial: May 1993, Dili District Court, East Timor.
Sentence: Life imprisonment, commuted to 20 years in August 1993.
Place of detention: Cipinang Prison, Jakarta, Indonesia

Please send brief, courteously-worded letters or postcards:

- noting that Xanana Gusmão's trial failed to meet international standards of fairness;

- urging the Government of Indonesia to give him a fair trial before a court which fully meets international standards, or release him unconditionally.

President Suharto
Presiden RI
Istana Negara
Jalan Veteran
Jakarta Pusat
Indonesia

Haji Utoyo Usman S.H.
Minister of Justice
HR Rasuna Said
Kav. 6-7
Jakarta Selatan
Indonesia

Ali Alatas
Minister of Foreign Affairs
Menteri Luar Negeri
Medan Taman Pejambon 6
Jakarta
Indonesia

Please do not attempt to write directly to any prisoner. This may result in harassment or even ill-treatment.

Gregorio da Cunha Saldanha

> ***As a Timorese nationalist youth I feel proud to sit in this defendant's chair...I represent one of the victims of the continuing problem of East Timor. However, I feel very lucky because I still have the chance to speak before I become a corpse, unlike my compatriots of the last 17 years and those slaughtered at Santa Cruz on 12 November 1991. They had no chance to open their mouths like me; they were silenced by bullets and that silence was immediate. They were the true heros.***
>
> **Extract from the defence statement of Gregorio da Cunha Saldanha, presented to Dili District Court, East Timor, 30 May 1992.**

Gregorio da Cunha Saldanha, aged 31 and a nurse at the Bidau General Hospital in East Timor's capital Dili, was arrested on 12 November 1991 during a peaceful demonstration at the Santa Cruz cemetery in Dili. At the demonstration, East Timorese unfurled banners and shouted slogans calling for East Timor's independence from Indonesian rule. Indonesian soldiers opened fire on the crowd of some unarmed 2,000 East Timorese, many of whom were students and other young people. An estimated 270 people were killed during and after the massacre and a further 200 people may have "disappeared". Despite Indonesian Government claims to have investigated the massacre, the fate and whereabouts of the dead and missing have yet to be properly clarified.

Gregorio was arrested at the Santa Cruz cemetery after being shot and wounded by Indonesian soldiers. At the end of December 1991 the police chief in East Timor told the press that Gregorio had been seen "*holding a microphone and giving instructions to the demonstrators*".[10] According to the authorities, Gregorio's main "*crimes*" were his organization of the demonstration which ended with the Santa Cruz massacre, and his membership of a group known as the *Comité Ejecutivo* (CE), which had assigned to him the task of leading the Santa Cruz demonstration. In a blatant distortion of the facts, the prosecution argued that the actions of Gregorio and other members of the CE had "*caused*" the deaths of the 50 people killed on 12 November because they had encouraged East Timorese to demonstrate against Indonesian Government rule in East Timor.[11]

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[10] *Jakarta Post*, 30 December 1991.

At his trial, which began in March 1992, Gregorio was accused of being the principal organizer of the Santa Cruz demonstration. He was charged and convicted under Indonesia's sweeping Anti-Subversion Law and sentenced to life imprisonment. Like all political trials in Indonesia and East Timor, Gregorio's was highly unfair and it appears that at least some of the evidence against him was extracted under duress. Throughout the trial Gregorio denied charges of subversion. He acknowledged that he had engaged in peaceful and open activities for East Timor's independence from Indonesian rule. He is a prisoner of conscience.In his defence statement before the Dili District Court, Gregorio acknowledged that he was a member of the CE. He told the court that this group had been formed on behalf of the East Timorese resistance organization, the *Consejo nacional da resistência maubere* (CNRM). Members of the CE were to act as a mediator for the CNRM in open, UN-sponsored negotiations, along with the Indonesian and Portuguese Governments. Gregorio denied having taken part in "*clandestine*" meetings, saying that they had all been held openly, in friends' homes and at local beaches. He declared that members of the CE were prepared to accept any solution for the political status of East Timor, so long as the decision was taken freely. His statement read, in part:

> ***[We] believe the best future for East Timor is FREEDOM according to fundamental human rights...however, we are well aware that other roads to the future may be chosen by our people, as is also their right. We do not dismiss the possibility of accepting and respecting any choice made by our people as long as the choice is made in a safe, free, democratic situation under the auspices of the UN.***

During his trial Gregorio was shown various articles the security forces said were captured during the demonstration. These included a megaphone, flags and a camera, as well as firearms, grenades and sharp weapons. Gregorio said that he recognized the megaphone, flags and camera, but told the court that not one demonstrator had carried a firearm or any other weapon. The press reported that he asked the judges for a video recording of the demonstration to be shown, but that the judges replied "*it was not necessary*" to show the film.[12] In respect of the Santa Cruz demonstration Gregorio said that his role in the CE was also to prepare banners for the Santa Cruz demonstration and to contact East Timorese youth and not to incite the demonstrators. He admitted that during the demonstration he had used a megaphone, but said he had done so to urge the people to remain calm and quiet.

While in court, Gregorio withdrew the statements he had made during the pre-trial investigation, saying that he had been forced to say what the interrogator wanted, and that this was "*not according to the true facts*". He told the court that after his arrest, while detained at the police station in Comoro, Dili, he was interrogated day and night, despite being weak from his gunshot wound. He said that during one such session he was hit by the Deputy Police Chief of Dili in the presence of the Public Prosecutor and other members of the prosecution. The beating was aimed at forcing him to reveal the names of East Timorese who supported the independence movement. He recounted that:

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[11] Despite a wealth of evidence pointing to the killing of an estimated 270 people by Indonesian troops, during and after the Santa Cruz massacre, the Indonesian Government has claimed that "about 50" people were killed.

[12] *Jawa Pos*, 12 May 1992.

> ***Because I could no longer bear this inhumane treatment, and because I was weakened by my gunshot wound, I carelessly gave names of high officials, priests and business owners who knew nothing and had no link with me, following the saying "as long as the boss is happy".***

In April 1994, Gregorio and five other East Timorese prisoners managed to stage a small pro-independence protest during a visit to Comarca prison by foreign journalists. Shortly after this incident distressed family members reported that six prisoners had been removed from the prison and were feared to have "disappeared".[13] Relatives who had paid a visit to the prison were reportedly told by other prisoners that the six had been led away in handcuffs by a unit of the Police Mobile Brigade in the early hours of 10 June. By 12 June relatives had been unable to locate the six at other prisons and military installations in Dili, and the authorities denied knowledge of their whereabouts.

On 13 June Ministry of Justice officials announced that the six had indeed been taken from their cells, and transferred to a prison in Semarang, Central Java. The move came just prior to a visit to East Timor by the UN Special Rapporteur on extrajudicial, summary and arbitrary executions and was widely believed to have been intended to prevent the prisoners from meeting with him. The six have remained in Semarang, hundreds of miles from home, making it extremely difficult for relatives and friends to visit them.

Amnesty International is calling for the immediate and unconditional release of Gregorio de Cunha Saldanha and the five other East Timorese convicted for organizing the Santa Cruz demonstration.

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[13] The six were: Francisco Miranda Branco, Filomena da Silva Pereira, Gregorio da Cunha Saldanha, Jacinto das Neves Raimundo Alves, Juvêncio de Jesus Martins and Saturnino da Costa Belo.

Gregorio da Cunha Saldanha - Factfile

Age:	28 when arrested.
Occupation:	Male nurse at Bidau General Hospital, Dili, from 1985 to 1991.
Arrest:	12 November 1991, Dili, East Timor
Accused of:	Being principal organizer of the Santa Cruz demonstration on 12 November 1991.
Charge:	Subversion
Legislation:	Anti-Subversion law
Trial:	Dili District Court, March to July 1992.
Sentence:	Life imprisonment.
Place of detention:	• 12 to 18 November 1991 Military Hospital Wirahusada. • 18 November 1991 to 20 August 1992 police station, Comoro, Dili • 20 August 1992 to 5 April 1993 Balide military prison • 5 April 1993 to 10 June 1994 Becora civilian prison, Dili. • 10 June 1994, Semarang, Jawa Tengah

Please send brief, courteously-worded letters or postcards:

- urging the government to release Gregorio da Cunha Saldanha immediately and unconditionally on the grounds that he is imprisoned for his peaceful activities in support of East Timor's independence from Indonesian rule.

Send your letters to:

President Suharto
Presiden RI
Istana Negara
Jalan Veteran
Jakarta Pusat
Indonesia

Ali Alatas
Minister of Foreign Affairs
Menteri Luar Negeri
Medan Taman Pejambon 6
Jakarta
Indonesia

Please do not attempt to write directly to any prisoner. This may result in harassment or even ill-treatment.

Saturnino da Costa Belo

> ***Because of the demand he made to the Indonesian Government while at the court to respect human rights in East Timor he was severely beaten and interrogated by the military police. They threatened him by placing the barrel of a pistol in his ear and he was put in a cell and left there in total darkness...Since he continued to refuse to apologise to the judge and did not admit to any wrongdoing, he was never again brought to the court as a witness on the grounds that he was ill, when in fact he was not ill at all.***
>
> **Extract from a letter smuggled out of East Timor in August 1993. The extract describes what happened to Saturnino da Costa Belo after he testifed at the trial of East Timorese resistance leader, Xanana Gusmão, in March 1993.**

Saturnino da Costa Belo was arrested on 30 November 1991 in Dili, East Timor after a peaceful demonstration at the Santa Cruz cemetery in Dili. At the demonstration, East Timorese unfurled banners and shouted slogans calling for East Timor's independence from Indonesian rule. Indonesian soldiers opened fire on the crowd of some unarmed 2,000 East Timorese, many of whom were students and other young people. An estimated 270 people were killed during and after the massacre and a further 200 people may have "disappeared". Despite Indonesian Government claims to have investigated the massacre, the fate and whereabouts of the dead and missing have yet to be properly clarified.

In June 1992 Saturnino was convicted and sentenced to nine years' imprisonment for helping to organize the Santa Cruz demonstration. He is a prisoner of conscience. Saturnino was tortured immediately after his arrest, while held in prison in Baucau; and he has since been periodically tortured by Indonesian military and police authorities. Seven other East Timorese were sentenced to long prison terms for organizing or participating in the demonstration. None of them were charged with any violent or recognizably criminal act. The activities put forward as evidence of subversion involved the dissemination of information about politics and human rights in East Timor and the organization of peaceful protest against Indonesian rule.

Saturnino was arrested in Baucau, on 30 November 1991, along with his brothers, **Alcino Freitas Vital** and **Custodio Freitas**. The two brothers were released some weeks later, but Saturnino remained in detention in Baucau. In the immediate aftermath of his arrest he was badly beaten. He was also held in virtual isolation, refused permission to go outside and forbidden from receiving family visits. While on trial, in mid-1992, Saturnino declared in court that he opposed Indonesian rule in East Timor; as a result he was frequently refused food on successive days by prison officials. During the trial his home was put under military surveillance and many of his possessions, including a radio, kitchen knives, clothes, shoes and money were seized by the military.

In November 1992, after his trial and conviction in Baucau, Saturnino was transferred to Balide military prison. The other East Timorese activists imprisoned for organizing the Santa Cruz demonstration had been transferred to Balide in August 1992. A confidential source has reported that between August and January 1993 all these prisoners were held in total isolation. Military authorities did not allow any court documents into the cells and pens and paper were forbidden, effectively preventing the prisoners from appealing to the court against their conviction.

In March 1993, Saturnino was brought to testify at the trial of East Timor's resistance leader, Xanana Gusmão. While in court, he shouted *Viva Timor Leste!* (long live East Timor), and "*I ask the Government of Indonesia to respect human rights in East Timor*", and other pro-independence slogans. The hearing was suspended and he was taken away. Later that day an army doctor reportedly told the court that Saturnino was "*mentally disturbed*" and not fit to appear in court. He was subsequently taken to the military hospital in Lahane and from there to Balide prison, where he was placed in solitary confinement. He is reported to have been told by his military captors that, should he try something of that kind again, he would be shot on the spot. A week later the presiding judge stated that Saturnino was "*unwell*" and could not testify in person, so his interrogation report was read out in the court. Subsequent information confirmed fears that he was subjected to threats and ill-treatment after appearing in court.

The Santa Cruz prisoners managed to stage a small pro-independence protest during a visit to Comarca prison by foreign journalists in April 1994. During the visit the prison authorities apparently hid Saturnino and he was not seen by the journalists. Shortly after this incident distressed family members reported that six prisoners, including Saturnino, had been removed from the prison and were feared to have "disappeared".[14] Relatives who had paid a visit to the prison were reportedly told by other prisoners that the six had been led away in handcuffs by a unit of the Police Mobile Brigade in the early hours of 10 June. By 12 June relatives had been unable to locate the six at other prisons and military installations in Dili, and the authorities denied knowledge of their whereabouts.

On 13 June Ministry of Justice officials announced that the six had indeed been taken from their cells, and transferred to a prison in Semarang, Central Java. The move came just prior to a visit to East Timor by the UN Special Rapporteur on extrajudicial, summary and arbitrary executions and appears to have been intended to prevent the prisoners from meeting with him. The six have remained in Semarang, hundreds of miles from home, making it extremely difficult for relatives and friends to visit them.

Amnesty International is calling for the immediate and unconditional release of Saturnino da Costa Belo.

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[14] The six were: Francisco Miranda Branco, Filomena da Silva Pereira, Gregorio da Cunha Saldanha, Jacinto das Neves Raimundo Alves, Juvêncio de Jesus Martins and Saturnino da Costa Belo.

Saturnino da Costa Belo - Factfile

Age:	30 years old at time of arrest.
Occupation:	Not known
Arrest:	30 November 1991, Dili, East Timor
Accused of:	Being an organizer and participant in the Santa Cruz demonstration on 12 November 1991, and thus "undermining the unity of the Indonesian nation".
Legislation:	Articles 154 and 155 of Indonesia's Criminal Code, which define the "public expression of feelings of hostility, hatred or contempt toward the Government of Indonesia" as a criminal offence".
Trial:	Baucau District Court, June 1992.
Sentence:	Nine years' imprisonment
Place of detention:	● 30 November 1991 to November 1992, held in detention in Baucau. ● November 1992 to April 1993 held in Balide military prison (formerly Comarca), Dili. ● April 1993 to 10 June 1994 Becora civilian prison, Dili. ● 10 June 1994, Semarang, Jawa Tengah

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Please send brief, courteously-worded letters or postcards

- urging the government to release Saturnino da Costa Belo immediately and unconditionally on the grounds that he is imprisoned for his peaceful activities in support of East Timor's independence from Indonesian rule.

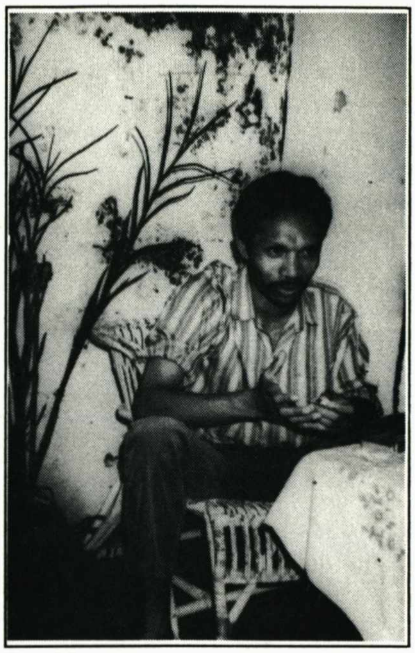
- expressing concern that he has been tortured and threatened in prison.

Send your letters to:

President Suharto	Ali Alatas
Presiden RI	Minister of Foreign Affairs
Istana Negara	Menteri Luar Negeri
Jalan Veteran	Medan Taman Pejambon 6
Jakarta Pusat	Jakarta
Indonesia	Indonesia

Please do not attempt to write directly to any prisoner. This may result in harassment or even ill-treatment.

Jose Antonio Neves



We should never believe that it is all just a question of human rights...any fact, however trivial, will be manipulated for political purposes.

Indonesian armed forces spokesman comment on Jose Antonio Neves' efforts to send information about human rights abuses to the international community.
***Surabaya Post*, 21 July 1994**

Jose Antonio Neves, an East Timorese student and human rights activist, was arrested in Malang, East Java on 19 May 1994. A leading member of the East Timorese pro-independence movement, and a student at a theological institute in Malang, Jose was arrested by military intelligence authorities at the main post office in Malang and taken to a military safehouse. He was subsequently transferred to police custody. In October 1994 Jose was brought to trial on charges of anti-government activities, in part because of attempts to send information about human rights violations in East Timor to foreign organizations. If convicted he faces a life sentence. He is a prisoner of conscience.

Colleagues said that Jose had recently returned from East Timor where he had been gathering information about human rights violations and political developments, and that on his return to Malang he had hoped to make this available to the international community. At the time of his arrest Jose was carrying a letter from the current leader of the guerilla resistance, Konis Santana. The letter was to be read out at a conference on East Timor which took place in Manila in early June.

In July 1994 an Indonesian newspaper reported that documents for the case against Jose had been handed over by the police to the Malang District Court. The same article reported that Jose had been involved in rebellious activities such as sending news about East Timor abroad. The same article said that Jose had been arrested after a military official had grown suspicious of Jose when he was seen at a post office sending a letter abroad. The letter was to an address in Germany and was said to have "vilified" Indonesia.[15]

Jose's trial began on 12 October 1994 at Malang District Court. He was accused of "establishing contacts with, among others, human rights groups in Australia and Japan to express his opposition to integration [of East Timor with Indonesia]". Jose was charged under Article 106 of the Criminal Code, which defines the attempt to separate part of the territory of the state of Indonesia as a crime punishable by life or 20 years' imprisonment. He was also charged under Articles 155 and 157 of the Criminal Code, which describe the public expression of "feelings of hostility, hatred or contempt towards the Government of Indonesia", as criminal offences. A verdict is expected on 11 January 1995.

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[15] *Surabaya Post*, 21 July 1994.

Amnesty International is calling for the immediate and unconditional release of Jose Antonio Neves.

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Jose Antonio Neves - Factfile

Age:	38 years old.
Occupation:	Student at the Institute of Theology, Malang, East Java
Date and place of arrest:	19 May 1994, Malang
Charge:	Establishing contacts with human rights groups in Australia and Japan to express opposition to Indonesian rule in East Timor.
Legislation:	• Article 106 of the Criminal Code, which defines the attempt to separate part of the territory of the state of Indonesia as a crime punishable by life imprisonment or 20 years. • Articles 155 and 157 of the Criminal Code, which describe the public expression of "feelings of hostility, hatred or contempt towards the Government of Indonesia", as an offence punishable by 4 years, 6 months; and 2 years, 6 months imprisonment respectively.
Trial:	Began 12 October 1994 at Malang District Court
Sentence:	Verdict expected 11 January 1995
Place of detention:	POLRES Malang, police station.

Please send brief, courteously-worded letters or postcards:

- appealing to the government to release Jose Antonio Neves immediately and unconditionally;

- saying you believe he is imprisoned for trying to inform the international community of human rights abuses in East Timor; and for non-violent activities in support of East Timor's independence from Indonesian rule.

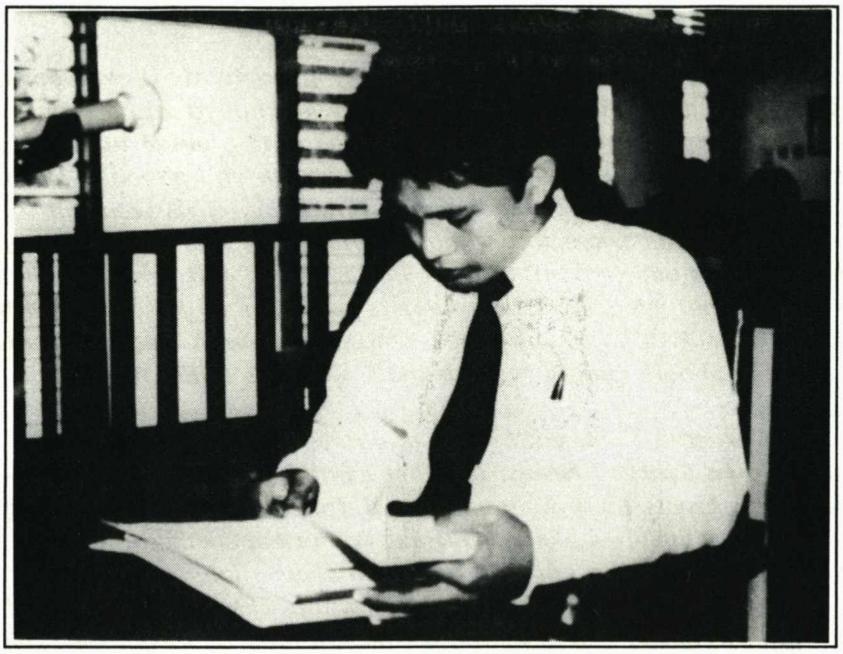
Send your letters to:

President Suharto
Presiden RI
Istana Negara
Jalan Veteran
Jakarta Pusat
Indonesia

Ali Alatas
Minister of Foreign Affairs
Menteri Luar Negeri
Medan Taman Pejambon 6
Jakarta
Indonesia

Please do not attempt to write directly to any prisoner. This may result in harassment or even ill-treatment.

Drs Adnan Beuransyah



> ***As a result of the inhuman treatment I received, I was in constant fear and mental shock, which made me willing to confess to crimes I had never committed and which had never happened. This was the most serious problem I have ever faced in my life, for there was no way for me to defend myself. Nothing could be done except to satisfy whatever the interrogators wanted from me. There was no one to help me except Allah.***
>
> **Extract from a statement by Adnan Beuransyah, in which he describes his treatment by Indonesian security forces during pre-trial detention 1990 to 1991, Banda Aceh.**

Drs Adnan Beuransyah, a journalist with the newspaper *Serambi Indonesia*, and a lecturer at the National Islamic Institute (IAIN), was arrested on 16 August 1990 on charges of supporting the armed opposition group *Aceh Merdeka*. He was held incommunicado in three different detention centres for nearly eight months, during which time he was severely tortured. In March 1991 he was brought to trial at the District Court of Banda Aceh, Aceh. Despite evidence that his "*confession*" had been extracted under duress, he was convicted of subversion and sentenced to eight years' imprisonment in May 1991. The sentence was increased to nine years in July 1991, following an appeal to the High Court of Aceh.

Aceh Merdeka (Free Aceh), an armed rebel group seeking independence for Aceh and parts of North Sumatra provinces, re-emerged in 1989 after a period of inactivity. In the course of government efforts to suppress the movement, Indonesian security forces killed an estimated 2,000 civilians, including children and the very elderly, between 1989 and 1993. At least 1,000 people have been arbitrarily arrested on suspicion of supporting *Aceh Merdeka*, or being the relative of an alleged member. Many have been tortured. Trials of those accused of leading the movement - including university lecturers, civil servants and school teachers - began in March 1991. The public prosecutor acknowledged that members of this group "*were not armed*" but said they were "*...the brains which planned the terrorist actions*" of *Aceh Merdeka*. There was little or no evidence that this group of "*intellectuals*" had advocated violence or planned violent acts.

After his arrest Adnan Beuransyah was detained at the Sub-District Military Command (KOREM/012) post at Lampineung, Banda Aceh. He has described his treatment there as follows:

> ***As soon as we got to Lampineung, I was stripped to my underwear and my hands were handcuffed behind me. Then I was shoved into a room...I was kicked and punched about the chest and legs until I fell on the floor. I was forced into consciousness again only to be kicked and punched all over my body. I collapsed again and had difficulty breathing. This went on for about an hour. Then I was taken to another room. Here I was tortured more than before. I was hit with a 5cm x 5cm block of wood and beaten and kicked while I was blindfolded. My shins were a particular target and I still bear the scars on my back. My hair and nose were burned with cigarette butts. I was given electric shocks on my feet, genitals and ears until I fainted...***
>
> ***Then I was ordered to sit with my legs outstretched and a length of wood was held down over my knees. Another length was placed under my buttocks which was then pumped up and down like someone jacking up a car. Imagine the pain. My knees felt as though they would break. In this posture I was ordered to confess to all the accusations against me. I thought then, its better to admit to anything they want. The pumping ceased, and I was ordered to sit on a long bench facing the interrogator. I was still blindfolded and the wire for the electric shocks was still wound around my big toes. If I said anything they didn't like, they'd turn on the current. This went on until about 8am, meaning I was tortured for about eight continuous hours.***
>
> ***On the third night I was tortured again, though not as badly as the first night. The pain, however, was worse because my body was already weak and bruised as a result of the beating with the block of wood. My body was bruised and bloodied and I had been beaten and kicked so much that I coughed up blood and there was blood in my urine...It continued like this until I signed the interrogation deposition.***

At the trial the prosecutors alleged that Adnan Beuransyah had distributed "illegal pamphlets" in June 1990, including one which urged Acehnese not to take part in Indonesia's National Day celebrations on 17 August 1990. He was also accused of attending "clandestine meetings" in June 1990 at which *Aceh Merdeka* goals and tactics were said to have been discussed. His defence lawyers did not deny that Adnan Beuransyah had attended the meetings, but pointed out that he had made little or no contribution to the discussions. None of the prosecution witnesses said that he was a member of *Aceh Merdeka*.

In his defence plea, Adnan Beuransyah retracted most of the statements made in his interrogation deposition, saying that he had signed it after being severely tortured. He also testified in court that before the trial had begun the Public Prosecutor had threatened to have him returned indefinitely to military custody - where he had been tortured - if he dared to retract his "confession".

The case for the prosecution presented little evidence of Adnan Beuransyah's involvement with armed opposition activities; and the evidence which was used as the basis for conviction was extracted under torture. Adnan Beuransyah remains in prison and to Amnesty International's knowledge there has been no official investigation of the torture allegations. Indeed, in an August 1992 reply to the United Nations Special Rapporteur on torture, the Government of Indonesia claimed that there was "*no indication whatsoever*" that he had been tortured.

****

Drs Adnan Beuransyah - Factfile

(Note: Drs stands for *Dokterandus*, the title given to a person holding a graduate degree in humanities).

Date of birth:	1959
Occupation	Journalist with *Serambi Indonesia*, and lecturer at the National Islamic Institute (IAIN).
Date of Arrest:	16 August 1990.
Charge:	Distributing "illegal pamphlets" in June 1990 and attendance at a number of "clandestine meetings" at which the goals of *Aceh Merdeka* were discussed.
Legislation:	Anti-Subversion Law.
Trial:	Between March and May 1991, Banda Aceh District Court.
Sentence:	8 years' imprisonment. Following an appeal to the High Court the sentence was increased to 9 years.
Place of detention:	Pemasyarakatan Prison, Banda Aceh
Family:	Married with four children. His wife is an English teacher.

Please send brief, courteously-worded letters or postcards:

- strongly protesting the torture and unfair trial of Adnan Beuransyah;

- saying you believe he may be a prisoner of conscience detained simply for expressing ideas deemed unacceptable to the government and military in Indonesia.

- asking for copies of trial documents setting forth any evidence that he committed a recognizably criminal offence.

Send your letters to:

President Suharto
Presiden RI
Istana Negara
Jalan Veteran
Jakarta Pusat
Indonesia

Haji Utoyo Usman S.H.
Minister of Justice
H.R. Rasuna Said Kav 6-7
Jakarta Selatan
Indonesia

Please do not attempt to write directly to any prisoner. This may result in harassment or even ill-treatment.

Drs Hasbi Abdullah

> ***I went to the opening of the defence case in Hasbi Abdullah's trial in Banda Aceh. What a farce! The defence is just a rather pathetic attempt to get his probable sentence down from life to 15 years on the grounds that he is sorry he did it. "It" is having meetings and talking to friends about* Aceh Merdeka*-style politics.***
>
> **Journalist who attended session of Hasbi Abdullah's trial in April 1991.**

Drs Hasbi Abdullah, aged 48, was a lecturer in the Faculty of Economics at the Syiah Kuala University (Unsyiah) in Banda Aceh, Aceh. He is married and has three children. He was arrested without a warrant on 15 October 1990 and held incommunicado until brought to trial at the District Court of Banda Aceh in mid-March 1991. He was accused of membership of the opposition group, *Aceh Merdeka*. Despite evidence that his "confession" was obtained under torture, he was convicted of subversion and sentenced to 14 years in prison on 11 May 1991. Following an appeal to the High Court in July 1991 his sentence was increased to 17 years.

Aceh Merdeka (Free Aceh), an armed rebel group seeking independence for Aceh and parts of North Sumatra provinces, re-emerged in 1989 after a period of inactivity. In the course of government efforts to suppress the movement, Indonesian security forces killed an estimated 2,000 civilians, including children and the very elderly, between 1989 and 1993. At least 1,000 people have been arbitrarily arrested on suspicion of supporting *Aceh Merdeka*, or being the relative of an alleged member. Many have been tortured. Trials of those accused of leading the movement - including university lecturers, civil servants and school teachers - began in March 1991. The public prosecutor acknowledged that members of this group "*were not armed*" but said they were "*...the brains which planned the terrorist actions*" of *Aceh Merdeka*. There was little or no evidence that this group of "*intellectuals*" had advocated violence or planned violent acts.

At his trial, the prosecution alleged that Hasbi Abdullah had attended two "clandestine meetings" at the Kuta Alam tailor shop in Banda Aceh, in June and July of 1990, together with other members of the alleged "intellectual group" of *Aceh Merdeka* supporters. The participants in these meetings were said to have discussed the need for a diplomatic initiative to place Aceh on the agenda of the United Nations. He was also said to have taken part in one meeting in Montasik, Aceh Besar, at which hiding places for *Aceh Merdeka* members were discussed and plans for obtaining vehicles for the group were drawn up. Hasbi Abdullah admitted having sympathy for *Aceh Merdeka*'s nationalist goals, but denied having any formal role within the organization. His claim was supported by the testimony of all the witnesses for the prosecution.

Evidence obtained by Amnesty International indicates that Hasbi Asbullah was subjected to torture during the pre-trial investigation of his case and that his "confession" that he had attended meetings at the Kuta Alam tailor shop, was extracted under torture. Military officials at Lampineung military detention centre and at Lloknga Prison, both in Banda Aceh, apparently forced him to sign statements about the meetings, and he complied after being tortured by kickings, beatings and electric shocks, administered repeatedly between October and December 1990. Attempts by Hasbi Abdullah to describe his treatment during pre-trial investigation were dismissed by the judge, who accepted the interrogation deposition as valid.

A former student leader and a relative of known *Aceh Merdeka* figures, Hasbi Abdullah had been arrested on at least two previous occasions for his alleged political activities. In 1978 he was detained for one year and four months for allegedly failing to report to the authorities a meeting he had with his elder brother, Zaini Abdullah, an *Aceh Merdeka* leader wanted by the Indonesian authorities. He was arrested again in 1983 and sentenced to two and a half years in prison for assisting his brother and another man to escape to Malaysia.

****

Drs Hasbi Abdullah - Factfile

	(Note: Drs stands for *Dokterandus*, the title given to a person holding a graduate degree in humanities).
Date of birth:	1 November 1946
Occupation	Lecturer at the Faculty of Economics at the Syiah Kuala University (Unsyiah), Banda Aceh.
Date of Arrest:	Arrested without warrant on 15 October 1990.
Charge:	Accused of attending "clandestine meetings" at which the goals of *Aceh Merdeka* were discussed in June and July 1990.
Legislation:	Anti-Subversion Law.
Trial:	Between March and May 1991, Banda Aceh District Court.
Sentence:	14 years' imprisonment. Following an appeal to the High Court the sentence was increased to 17 years.
Place of detention:	Pemasyarakatan Prison, Banda Aceh

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Please send brief, courteously-worded letters or postcards:

- strongly protesting the torture and unfair trial of Hasbi Abdullah

- saying you believe he may be a prisoner of conscience detained simply for expressing ideas deemed unacceptable to the government and military in Indonesia.

- asking for copies of trial documents setting forth any evidence that he committed a recognizably criminal offence.

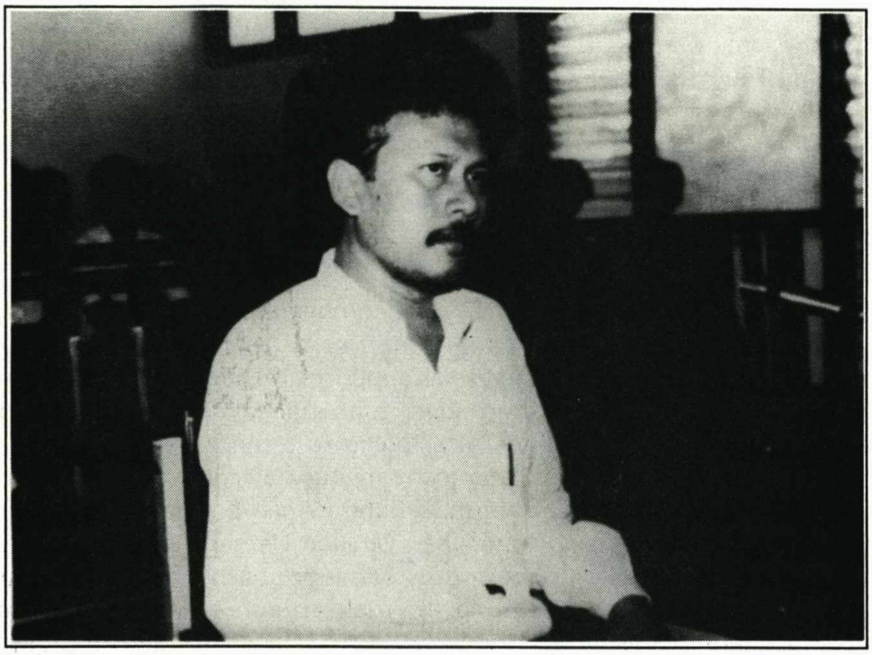
Send your letters to:

President Suharto
Presiden RI
Istana Negara
Jalan Veteran
Jakarta Pusat
Indonesia

Haji Utoyo Usman S.H.
Minister of Justice
H.R. Rasuna Said Kav 6-7
Jakarta Selatan
Indonesia

Please do not attempt to write directly to any prisoner. This may result in harassment or even ill-treatment.

Mulkan Usman



> ***The first week of March 1991 [they were transferred] from military detention to Public Prosecutor detention and supposedly they were no longer under the guardship of the military. But they were. In the second week of March 1991 the prosecutors visited the prison to interview [the detainees] for the trials. But the military kept watching menacingly, threatening them, so they could not make any changes to their confessions. The words from the military were: This is the best we have chosen for you. We could have "sent you to school" [expression used by the military in Aceh to refer to people who are extra-judicially executed].***
>
> **Extract from a report sent from Aceh, June 1993. It describes the treatment of Mulkan Usman and others while in pre-trial detention.**

Mulkan Usman, trained as a lawyer but self-employed, was arrested without warrant on 25 September 1990 in Banda Aceh, Aceh province. He was held in unacknowledged, arbitrary detention for nearly six months. He was brought to trial in March 1991, accused of active membership of the armed opposition group, *Aceh Merdeka*. He was convicted of subversion and sentenced to 12 years in prison on 8 May 1991 at the District Court of Banda Aceh. Following an appeal to the High Court in July 1991, his sentence was increased to 15 years.

Aceh Merdeka (Free Aceh), an armed rebel group seeking independence for Aceh and parts of North Sumatra provinces, re-emerged in 1989 after a period of inactivity. In the course of government efforts to suppress the movement, Indonesian security forces killed an estimated 2,000 civilians, including children and the very elderly, between 1989 and 1993. At least 1,000 people have been arbitrarily arrested on suspicion of supporting *Aceh Merdeka*, or being the relative of an alleged member. Many have been tortured. Trials of those accused of leading the movement - including university lecturers, civil servants and school teachers - began in March 1991. The public prosecutor acknowledged that members of this group "*were not armed*" but said they were "*...the brains which planned the terrorist* *actions*" of *Aceh Merdeka*. There was little or no evidence that this group of "*intellectuals*" had advocated violence or planned violent acts.

At Mulkan Usman's trial, the prosecutors claimed that he had sought to raise funds for *Aceh Merdeka*. They also alleged that he had attended a number of "clandestine meetings" at the Kuta Alam tailor shop in June and July of 1990. According to the prosecution, Mulkan Usman had admitted saying that *Aceh Merdeka*'s violent methods were necessary at one of the meetings. Mulkan Usman contested these allegations during the trial. He said that he had been a sympathizer of *Aceh Merdeka* since the late 1970s and had joined out of frustration at not being able to find a job.

He told the court that he had not been accompanied by a lawyer during the pre-trial investigation and that his interrogation deposition was extracted under severe torture. Information obtained by Amnesty International supports these allegations. It indicates that the meetings at the Kuta Alam tailor shop never took place, but that Mulkan Usman signed a "confession" testifying to the meetings after being tortured by kickings, beatings and electric shocks. The torture was administered by military officials at Lampineung military detention centre and at Lloknga Prison, both in Banda Aceh between October and December 1990. Trial observers said that when Mulkan Usman first appeared in court he was unable to walk and had to be supported by security guards. In later sessions, he was able to walk with the help of a cane. During the trial, attempts by Mulkan Usman to describe his torture were dismissed by the judge, who accepted the interrogation deposition as valid.

A former student activist, Mulkan Usman was first arrested for his political activities in 1977. He was sentenced to three years in prison for raising an *Aceh Merdeka* flag at two public schools in the area of Banda Aceh. In 1983 he was sentenced to two years and eight months in jail for helping the brother of another prisoner to flee to Malaysia.

****

Mulkan Usman S.H. - Factfile

(Note: the initials S.H. after a person's name stand for *Sarjana Hukum*, an academic title meaning Master of Law).

Date of birth:	10 December 1953
Occupation	Trained as a lawyer, but self-employed.
Date of Arrest:	Arrested without a warrant on 25 September 1990, Banda Aceh.
Charge:	Soliciting funds for *Aceh Merdeka* and attendance at "clandestine meetings" in 1990 at which the goals of *Aceh Merdeka* were discussed.
Legislation:	Anti-Subversion Law.
Trial:	Between March and May 1991, Banda Aceh District Court.
Sentence:	12 years' imprisonment. Increased to 15 years after appeal to High Court.
Place of detention:	Pemasyarakatan Prison, Banda Aceh
Family:	Married with two children.

Please send brief, courteously-worded letters or postcards:

- strongly protesting the torture and unfair trial of Mulkan Usman S.H.
- saying you believe he may be a prisoner of conscience detained simply for expressing ideas deemed unacceptable to the government and military in Indonesia.
- asking for copies of trial documents setting forth any evidence that he committed a recognizably criminal offence.

Send your letters to:

President Suharto
Presiden RI
Istana Negara
Jalan Veteran
Jakarta Pusat
Indonesia

Haji Utoyo Usman S.H.
Minister of Justice
H.R. Rasuna Said Kav 6-7
Jakarta Selatan
Indonesia

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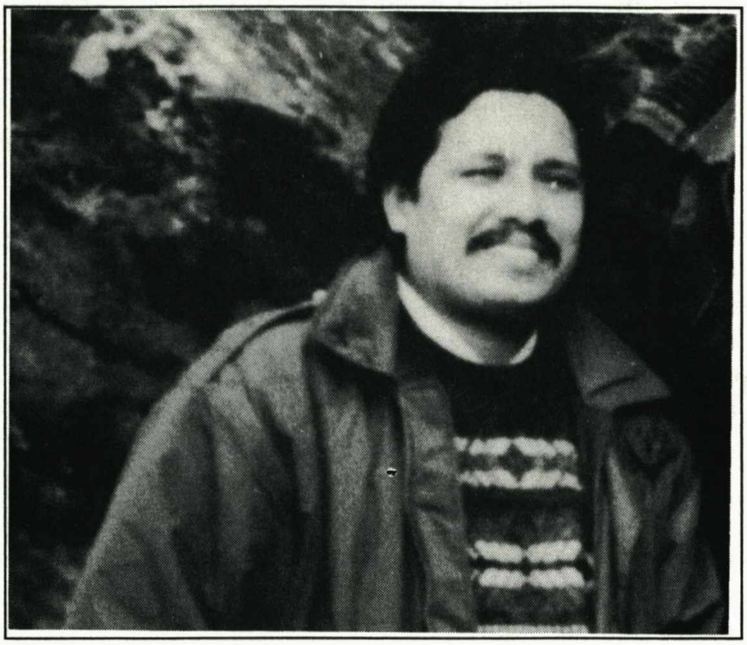
Drs Nurdin Abdul Rahman



Some [detainees], in their defence pleas called the attention of the judges to the treatment they had received during military interrogation. Some even described their afflictions and torture in an explicit way; most in an implicit way. But at the verdict session, it turned out the judges did not seem to take the defence pleas into account. The lawyers did not defend the cases at all.

Letter from a foreign journalist who attended sessions of the trials in Aceh, 1991

Drs Nurdin Abdul Rahman, an English language teacher at the Syiah Kuala University in Banda Aceh, Aceh, was arrested on 14 October 1990. According to reports, military officials burst into his home, without a warrant of arrest and took him away. His wife was not informed of the reason for the arrest and she was not told where he was detained for three months after it had taken place. Nurdin Abdul Rahman was brought to trial in March 1991 and convicted in May. The prosecution alleged that he was a member of the armed opposition group, *Aceh Merdeka*, and had sought to separate Aceh from the Indonesian republic. He was sentenced to nine years' imprisonment, increased to 13 years following an appeal to the High Court of Aceh.

Aceh Merdeka (Free Aceh), an armed rebel group seeking independence for Aceh and parts of North Sumatra provinces, re-emerged in 1989 after a period of inactivity. In the course of government efforts to suppress the movement, Indonesian security forces killed an estimated 2,000 civilians, including children and the very elderly, between 1989 and 1993. At least 1,000 people have been arbitrarily arrested on suspicion of supporting *Aceh Merdeka*, or being the relative of an alleged member. Many have been tortured. Trials of those accused of leading the movement - including university lecturers, civil servants and school teachers - began in March 1991. The public prosecutor acknowledged that members of this group "*were not armed*" but said they were "*...the brains which planned the terrorist actions*" of *Aceh Merdeka*. There was little or no evidence that this group of "*intellectuals*" had advocated violence or planned violent acts.

Nurdin Abdul Rahman was accused of attending "*clandestine meetings*" during June and July 1990, at which the strategies and tactics of *Aceh Merdeka* were discussed. The prosecution also alleged that he had contributed 60,000 Indonesian rupiah (approximately US $30) for the training of *Aceh Merdeka* members abroad; and that he was a liaison officer for members and their leaders in prison and in exile. At the trial, Nurdin Abdul Rahman denied the allegations. He insisted that his knowledge of *Aceh Merdeka* and its leadership was primarily derived from articles in the press and from television and radio programs.

Information obtained by Amnesty International indicates that Nurdin Abdul Rahman was severely tortured during the pre-trial investigation and that his "confession" - in which he said he had attended meetings at the Kuta Alam tailor shop - was extracted under torture. Military officials at Lampineung military detention centre and at Lloknga Prison, both in Banda Aceh, apparently forced him to sign statements describing meetings which had never taken place. He and his fellow detainees complied after being tortured by kickings, beatings and electric shocks, administered between October and December 1990. Attempts by Nurdin Abdul Rahman to describe his torture were dismissed by the judge, who accepted the interrogation deposition as valid.

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Drs Nurdin Abdul Rahman - Factfile

Note: Drs stands for *Dokterandus*, the title given to a person holding a graduate degree in humanities.

Date of birth:	28 December 1949
Occupation	English language lecturer at Syiah Kuala University, Banda Aceh
Date of Arrest:	Arrested without a warrant at his home on 14 October 1990.
Charge:	Accused of being an active participant in "clandestine meetings" organized by *Aceh Merdeka*; contributing funds for the training of *Aceh Merdeka* members abroad; being a liaison officer for members and their leaders in prison and in exile.
Legislation:	Articles 106 and 110 of the Criminal Code. Article 106 defines efforts to seek secession of part of the national territory as a criminal offence.
Trial:	Between March and May 1991, Banda Aceh District Court.
Sentence:	9 years' imprisonment. Following an appeal to the High Court the sentence was increased to 13 years.
Place of detention:	Pemasyarakatan Prison, Banda Aceh
Family:	Married with four children. His youngest child was born after Nurdin Abdul Rahman was imprisoned.

Please send brief, courteously-worded letters or postcards:

- strongly protesting the torture and unfair trial of Nurdin Abdul Rahman

- saying you believe he may be a prisoner of conscience detained simply for expressing ideas deemed unacceptable to the government and military in Indonesia.

- asking for copies of trial documents setting forth any evidence that he committed a recognizably criminal offence.

Send your letters to:
President Suharto
Presiden RI
Istana Negara
Jalan Veteran
Jakarta Pusat
Indonesia

Haji Utoyo Usman S.H.
Minister of Justice
H.R. Rasuna Said Kav 6-7
Jakarta Selatan
Indonesia

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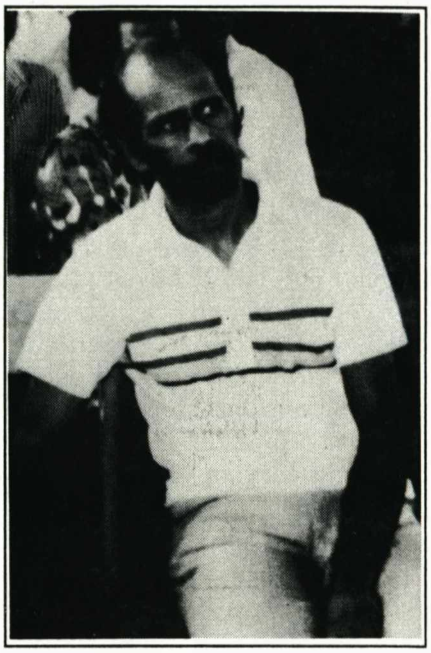
Thomas Wainggai



[It is] really nothing more than a diplomatic group...It is not an armed movement...He had got together a few people to act as functionaries of a new state but he hadn't got around to making any laws.
Regional Military Commander for Irian Jaya, commenting in August 1989, on Thomas Wainggai's efforts to establish a state of West Melanesia.

The activities committed by Dr Wainggai and his group were directed against the Government of the Republic of Indonesia, and therefore he and his group have been sentenced in accordance with the crimes they have committed.
Letter from Indonesia's Ambassador in the United States of America, 2 October 1991.

Dr Thomas Wainggai, a civil servant working in Jayapura, was arrested on 14 December 1988 during a peaceful flag-raising ceremony to proclaim an independent state of "*West Melanesia*".[16] He was charged under Indonesia's sweeping Anti-Subversion law, tried and sentenced to 20 years' imprisonment on 8 September 1989. The verdict has since been upheld by the High Court and the Supreme Court of Indonesia. He is a prisoner of conscience.

Thomas Wainggai was arrested along with some 60 others who had gathered at the Mandala Sports Stadium in Jayapura, Irian Jaya's capital. The flag-raising ceremony began at about 2pm with a prayer reading. A flag of "*West Melanesia*" was raised as participants sang *Tanahku Melanesia* (My Country Melanesia). This was to be followed by Dr Wainggai's proclamation of West Melanesia's independence and a closing prayer. However, before the ceremony was over military vehicles arrived. Soldiers arrested all those present, loaded them onto the trucks and drove them to a military camp for interrogation.

There were unconfirmed reports that some of those detained were beaten by members of the security forces. Relatives reported that Thomas Wainggai had been given electric shocks and that - like many prisoners in Indonesia and East Timor - he and other prisoners were made to sleep without bedding on the concrete floor of their cells. Lawyers said that none of the detainees were provided with adequate medical attention during the period of pre-trial detention.

Thomas Wainggai's trial began in April 1989 at Jayapura District Court. The prosecution alleged that members of the group had taken part in a series of "*secret*

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[16] The Indonesian province of Irian Jaya occupies the western half of the island of New Guinea. The eastern part of the island forms the state of Papua New Guinea. Members of independence movements in Irian Jaya frequently refer to Irian Jaya as West Papua, or West Melanesia.

meetings" at Dr Wainggai's house between June and December 1988 to make preparations for the proclamation of an independent state. In June and July, they were said to have drafted a "*Constitution of West Melanesia*". Further meetings were allegedly held in November and December 1988 to discuss the political, religious and cultural basis of the new state and to draft letters seeking the support of foreign governments and the United Nations. At a meeting on 13 December 1988, Dr Wainggai was alleged to have assigned specific tasks in relation to the next day's flag-raising to the other members of the group. Thirty seven others were sentenced to prison terms for their involvement in the ceremony, including Thomas Wainggai's wife who was accused of sewing the West Melanesian flag. She served five years in prison and was released in November 1993. A further 30 people were subsequently imprisoned after planning to commemorate the 1988 flag-raising in December 1989. Seven prisoners have now been released.

Originally from Serui, Dr Wainggai attended university in Japan and the United States, where he earned degrees in law and public administration respectively. He is married and has three children. Thomas Wainggai is now detained in Cipinang prison, Jakarta. He is believed to be suffering from serious psychological problems and to be refusing contact with other political prisoners and with visitors to the prison.

Amnesty International is calling upon the Indonesian authorities to ensure that Thomas Wainggai is given immediate access to appropriate medical treatment. It urges the government to release him immediately and unconditionally.

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Thomas Wainggai - Factfile

Date of birth:	5 December 1937
Occupation:	Civil Servant in Jayapura, Irian Jaya
Date and place of arrest:	14 December 1988, Jayapura
Charge:	Accused of subversive activity for taking part in a peaceful flag-raising ceremony on 14 December 1988.
Legislation:	Anti-Subversion Law
Trial:	April to September 1989, Jayapura District Court
Sentence:	20 years imprisonment, 8 September 1989
Place of detention:	L P Cipinang, Jakarta, Indonesia

Please send brief, courteously-worded letters or postcards

- urging the government to release Thomas Wainggai immediately and unconditionally;
- noting reports that he is suffering from serious psychological problems and calling for him to be given appropriate medical treatment.

Send your letters to:

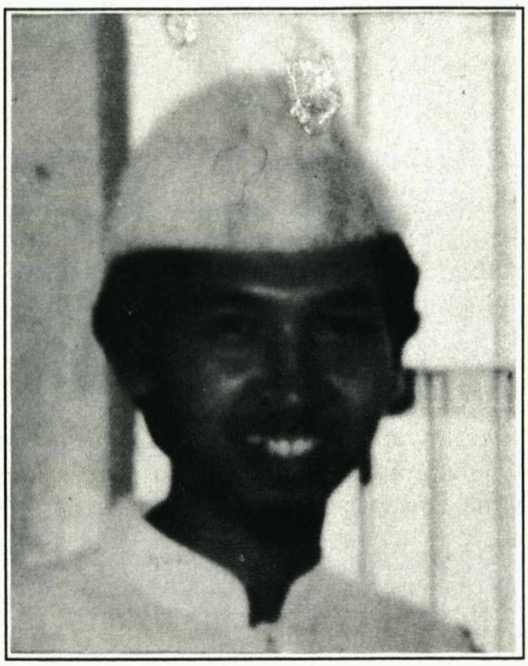
President Suharto
Presiden RI
Istana Negara
Jalan Veteran
Jakarta Pusat
Indonesia

Ali Alatas
Minister of Foreign Affairs
Menteri Luar Negeri
Medan Taman Pejambon 6
Jakarta
Indonesia

Please do not attempt to write directly to any prisoner. This may result in harassment or even ill-treatment.

Mahasin Zaini

Democracy in our country is an empty word which exists only in theory. In practice it is a big nought. While there is pride that the Islamic population is in the majority, this seems only a figment of the imagination because we who try to put into practice in a true way the principles of Islam are accused as enemies of the State. Our basic rights are robbed from us, and in every move we make we are watched continually and are accused and slandered of wanting to overthrow the State. But that is not our intention. We only want to put Islamic principles into practice in a true way. That is all.



Letter from a friend of Mahasin Zaini, June 1990.

Mahasin Zaini, aged 34, is a former student of social and political science at the University of Gajah Mada in Yogyakarta, Central Java. He became active in Muslim affairs as a student, taking part in religious meetings at a local mosque and at his university. In April 1986 he was arrested and accused of seeking to establish an Islamic state. He was brought to trial before the District Court of Banyumas, Central Java, in February 1987. In March he was convicted of subversion and sentenced to 12 years' imprisonment, reduced to nine years following an appeal to the High Court.

In 1988 he was again tried for subversion, at Brebes District Court. He was sentenced to ten years' imprisonment, reduced to seven years on appeal. The court ordered the sentences to run consecutively, bringing the total sentence imposed to 16 years. The activities presented as evidence of subversion at both trials, did not involve the use or advocacy of violence and, like all political trials in Indonesia, the guilty verdict was a foregone conclusion. Mahasin Zaini remains in detention in Nusakambangan high security prison in central Java. He is a prisoner of conscience.

At the trial in Banyumas, the state prosecutors alleged that Mahasin Zaini and other Muslim activists had set up a Muslim brotherhood which aimed to establish an Islamic state and that he had been given responsibility for training Muslims who would join the brotherhood. He was then accused of giving subversive lectures at Islamic training sessions between December 1984 and December 1985. In his talks he allegedly told Muslims to carry out Islamic teachings completely, and not to do anything other than what was taught in the *Quran* and the *Hadith* (the words and customs of the Prophet). He was also said to have lectured on such matters as the proper ways for Muslims to eat and sit.

The "*subversive*" lectures were also said to have contained criticism of government policies and *Pancasila*, the Indonesian state ideology. For example, Mahasin Zaini allegedly said that *Pancasila* and the Indonesian Constitution were both man made and could not therefore guarantee eternal salvation; and that honouring the national flag was a form of idolatry. The lectures were also said to have criticized government programs on *Pancasila*-awareness for civil servants and school children, and government family planning programs. The prosecutors claimed that at the end of the training sessions Mahasin Zaini urged the participants to form local associations of Muslims, called *usroh*, in order to realize the ideals of Islam.[17]

Mahasin Zaini rejected the charge of subversion, saying that he had spread the beliefs of *usroh* because he felt that a world without belief was a world full of confusion. He said that he did not need anyone to defend him as he would be defended by God. Although he was later represented by two lawyers he presented no witnesses on his own behalf.

In August 1988 further subversion charges were brought against Mahasin Zaini in a trial which opened at the District Court of Brebes. At the trial he was accused of conducting training courses at the home of a fellow Muslim, at which the participants were urged to disobey government regulations and work for the establishment of an Islamic state. He was sentenced to a further 10 years' imprisonment, reduced to seven years after an appeal to the High Court.

Amnesty International considers that all the trials of *usroh* activists were unfair and it is especially concerned about some aspects of Mahasin Zaini's second trial. Prior to his second trial, Mahasin Zaini was prevented from communicating with independent lawyers and denied the opportunity to study court documents and other materials relating to his trial. At the trial, he was stopped by the Committee of Judges from reading his defence statement. Amnesty International is also concerned that Mahasin Zaini may have been tried twice for the same offence.

After his second conviction in 1988, Mahasin Zaini was moved to the high security prison at Nusakambangan in central Java (the exact date of the transfer is not known). Conditions at the prison apparently deteriorated at the beginning of 1990. While political prisoners had been able to spend up to three hours with family members visiting the prison, this was suddenly reduced to a much shorter time. In addition, the prisoners were no longer permitted to receive letters from abroad.

Amnesty International is calling for the immediate and unconditional release of Mahasin Zaini.

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[17] *Usroh* is the Arabic word for "family". The term has been used by Indonesian Muslims to describe study groups which aim to deepen awareness of Islamic teachings in their communities. The Indonesian Government has portrayed *usroh* groups as "clandestine" and subversive.

Mahasin Zaini - Factfile

Age: 34 years
Occupation: Former student of social and political science
Date and place of arrest: April 1986, Central Java
Charge: Setting up a Muslim brotherhood which aimed to establish an Islamic state.
Legislation: Anti-Subversion law
1st trial: District Court of Banyumas, February to March 1987
Sentence: 12 years' imprisonment, reduced to 9 years following an appeal to the High Court of Central Java.

2nd trial: District court of Brebes, August 1988
Sentence: 10 years' imprisonment, reduced to 7 years following appeal to the High Court of Central Java.

NB The two sentences are being served consecutively, bringing the total sentence to 16 years.

Place of detention: Permisan prison, Nusakambangan, Java, Indonesia

Family: Married, with one child, born two months after Mahasin Zaini was imprisoned.

Please send brief, courteously-worded letters or postcards

- urging the government to release Mahasin Zaini immediately and unconditionally on the grounds that he is detained solely for the peaceful expression of his religious beliefs.

Send your letters to:

President Suharto
Presiden RI
Istana Negara
Jalan Veteran
Jakarta Pusat
Indonesia

Haji Utoyo Usman S.H.
Minister of Justice
H.R. Rasuna Said Kav 6-7
Jakarta Selatan
Indonesia

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Achmad Syafei

Dear Achmad, My best wishes for a Happy New Year. I pray for yourself and for your dear family.

Card from Amnesty International member, written in Christmas 1987. Many letters have been written to Indonesian Government authorities, calling for the release of Achmad Syafei and asking for information about him. To date the government has remained silent.

Achmad Syafei, aged 37, was a shoe repairer in Brebes, central Java until his arrest in mid-1986. He was brought to trial along with a group of young Muslim activists. In April 1987, he was convicted of subversion at an unfair trial and sentenced to nine years' imprisonment. Achmad Syafei is a prisoner of conscience detained for peaceful religious activities.

At his trial, Achmad Syafei was accused of trying to establish an Islamic state and of thereby undermining the authority of the Government of Indonesia. The allegations against him centred upon his involvement in a network of Muslim groups called *usroh*, which have sought to deepen awareness of Islamic teaching and law, and to encourage mutual assistance programs among Muslims.[18] Achmad Syafei was accused of organizing Islamic training sessions at his home. The sessions were said to have included criticism of *pancasila*, the state ideology, and to have been critical of other aspects of government policy. Achmad Syafei was then alleged to have been made *usroh* coordinator for the Brebes area and to have organized further training sessions.

Recent information indicates that Achmad Syafei is detained in a high security prison on Nusakambangan island, but little is known of his health or other circumstances. The Indonesian Government has made no statement about him, despite numerous requests for information.

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[18] *Usroh* is the Arabic word for "family". The term has been used by Indonesian Muslims to describe study groups which aim to deepen awareness of Islamic teachings in their communities. The Indonesian Government has portrayed *usroh* groups as "clandestine" and subversive.

Achmad Syafei - Factfile

Age:	37 years in 1994
Occupation:	Shoe repairer
Date and place of arrest:	Mid-1986, Central Java
Charge:	Setting up a Muslim brotherhood which aimed to establish an Islamic state.
Legislation:	Anti-Subversion law
Trial:	District Court of Brebes, December 1986 to April 1987
Sentence:	9 years' imprisonment.
Place of detention:	Kembang Kuning prison, Nusakambangan, Java, Indonesia

Please send brief, courteously-worded letters or postcards

- urging the government to release Achmad Syafei immediately and unconditionally on the grounds that he is detained solely for the peaceful expression of his religious beliefs.

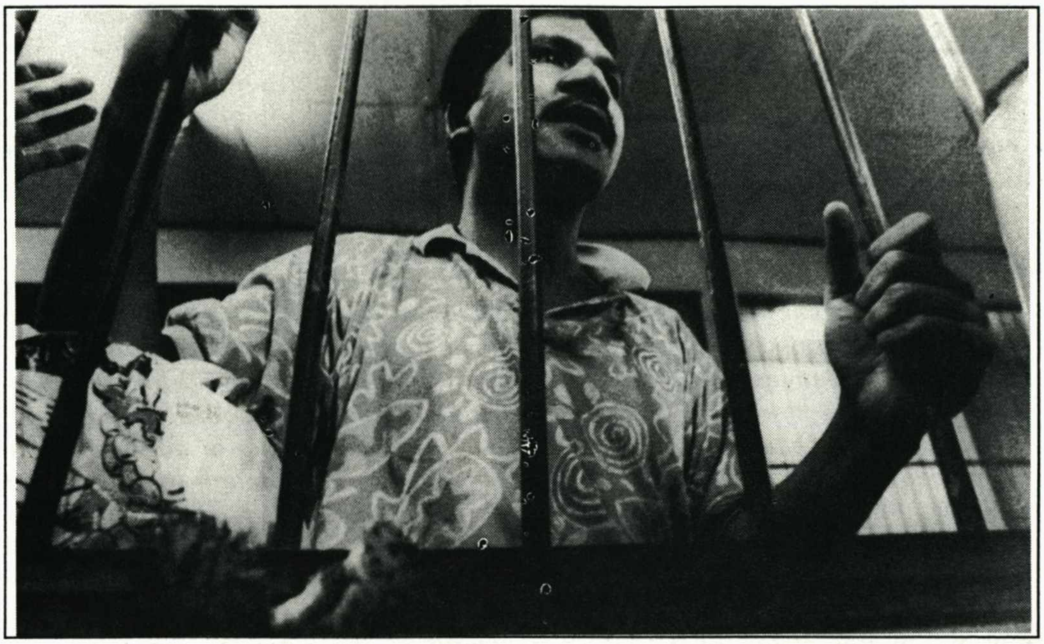
Send your letters to:

President Suharto
Presiden RI
Istana Negara
Jalan Veteran
Jakarta Pusat
Indonesia

Haji Utoyo Usman S.H.
Minister of Justice
H.R. Rasuna Said Kav 6-7
Jakarta Selatan
Indonesia

Please do not attempt to write directly to any prisoner. This may result in harassment or even ill-treatment.

Nuku Soleiman



> ***...It would be best if we were conscious from the outset that this case is a simple matter of communication among political actors...How funny it would be if all political opinions became matters of criminal jurisdiction. There would not be enough public prosecutors to drag all the accused before the courts, since political opinions flood from the mouths of Indonesian citizens every day, praising as well as cursing the New Order Government.***
>
> ***To praise and to curse are normal in a democracy. And so I conclude, respected Council of Judges, in the name of common sense and in the interest of our national pride, please act wisely and declare this case null and void.***
>
> **Extract from the first Defence Statement of Nuku Soleiman, District Court of Central Jakarta, 24 January 1994**

On 24 February 1994 a student and human rights activist, Nuku Soleiman, was sentenced to four years' imprisonment for "*insulting the president*" following a peaceful demonstration outside Indonesia's national parliament in Jakarta. In May his sentence was increased to five years following an appeal to the High court. He is a prisoner of conscience.

Nuku Soleiman was arrested on 25 November 1993. He was taking part in a demonstration during a parliamentary hearing about the national lottery. He was arrested after distributing pamphlets which accused President Suharto of being the "*mastermind*" of a number of incidents in which the Indonesian military carried out particularly violent acts of repression. These included the 1984 killing of dozens of Muslim activists in Tanjung Priok, North Jakarta; the 1991 Santa Cruz massacre in East Timor, during which an estimated 270 people were killed when Indonesian troops opened fire on a peaceful demonstration;

and the September 1993 killing of four villagers during a protest against a dam project in Madura, Java.[19]

Nuku Soleiman was charged under Article 134 of the Indonesian Criminal Code, a law inherited from Dutch colonial rule, under which insulting the head of state is an offence punishable by up to six years in prison. He was convicted after a month-long political show trial which failed to meet international standards of fairness. Military and police presence in and around the court was heavy, creating a climate of intimidation, and access to the trial was strictly controlled. In his first defence statement Nuku Soleiman objected to these conditions and stated:

> ***Just look around! From the first day of the session it is as if the army and police are in command here...In front of this building they have lined up trucks full of armed troops. At the entrance to this hall they block my friends, my relatives and the general public who want to attend this trial. In this court-room they have assigned plainclothes officers to occupy a large number of the chairs for visitors. As the trial began a group of police officers equipped with rattan clubs and canes marched in here, though there was not the slightest sign of unrest in this hall...Is it not the case that such an atmosphere is bound to influence the verdict of the court?***

The most blatant evidence of unfairness came when the court agreed to hear the testimony of only one of the 17 witnesses requested by the defence. In contrast, 19 witnesses for the prosecution testified at the trial. The presiding judge reportedly justified this decision, stating that: "*This court does not need any experts because we know everything that is linked to this case*". Defence lawyers walked out of the court in protest at the court's refusal to allow defence witnesses, and called for the trial to be postponed pending an Supreme Court ruling on the issue. The District Court ignored this request and continued with the trial.

Amnesty International is calling for the immediate and unconditional release of Nuku Soleiman.

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[19] All these human rights violations have been independently documented by Amnesty International.

Nuku Soleiman - Factfile

Date of birth:	Aged 29
Occupation:	Student and director of *Yayasan Pijar*, a student's organization which aims to take action on social, cultural and human rights issues.
Date of Arrest:	25 November 1993, Jakarta
Charge:	Accused of "insulting the Head of State"
Legislation:	Article 134 of the Indonesian Criminal Code
Date and place of trial:	February 1994, Jakarta District Court
Sentence:	Four years' imprisonment, increased to five years, following an appeal to the High Court.
Place of detention:	Cipinang Prison, Jakarta, Indonesia

Please send brief, courteously-worded letters or postcards

- urging the government to release Nuku Soleiman immediately and unconditionally on the grounds that he is detained solely for peaceful political and human rights activities.

Send your letters to:

President Suharto
Presiden RI
Istana Negara
Jalan Veteran
Jakarta Pusat
Indonesia

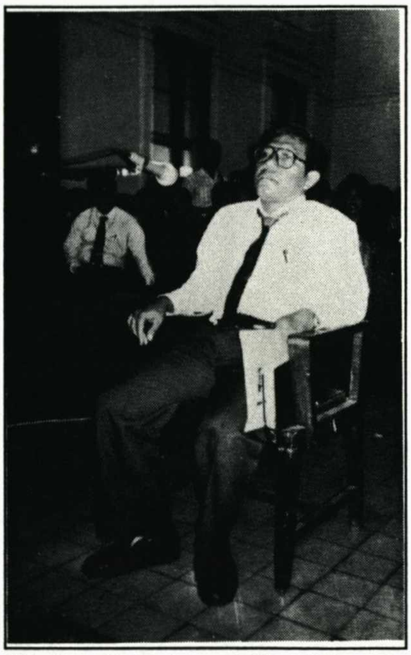
Ali Alatas
Minister of Foreign Affairs
Menteri Luar Negeri
Medan Taman Pejambon 6
Jakarta
Indonesia

Please do not attempt to write directly to any prisoner. This may result in harassment or even ill-treatment.

Labour on Trial!

Amosi Telaumbanua
Fatiwanolo Zega
Hayati (f)
Jannes Hutahean
Maiyasyak Johan
Muchtar Pakpahan
Parlin Manihuruk
Riswan Lubis
Soniman Lafao

> ***What is on trial here are not my actions but my ideas***
> **Muchtar Pakpahan, defence statement, 21 September 1994**
>
> ***We consider Muchtar [Pakpahan]'s case as strictly criminal and unrelated to workers' matters***
> **Indonesia's Director General of Industrial Relations, 15 September 1994**
>
> ***Freedom of association and assembly, of expressing thoughts and of issuing writing and the like, shall be prescribed by statute.***
> **Article 28, Constitution of Indonesia**



Muchtar Pakpahan at his trial.

Eleven people have been charged and convicted of "*incitement*" following labour demonstrations which turned violent in the North Sumatran town of Medan in April 1994. Among them was Muchtar Pakpahan, leader of Indonesia's independent labour union, *Serikat Buruh Sejahtera Indonesia* (SBSI). Eight others were officials or members of the SBSI and other groups campaigning for workers' rights in Indonesia; and two were workers.[20]

The 11 were accused of mobilizing workers to strike and "*incitement*" to violence. However, none of them appear to have been charged with the specific acts of violence which occurred during the labour unrest. Indeed, the accusations against them relate to non-violent trade union activities, the organization of meetings to plan the April demonstrations, and the preparation of pamphlets, banners and posters for the protest. Amnesty International is concerned that the trial and imprisonment of the 11 was intended to prevent them from peaceful activities to promote labour rights, and to intimidate others from engaging in similar work.

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[20] For further discussion of these issues see Amnesty International's report *Indonesia: Labour Activists under Fire*, May 1994 (ASA 21/10/94) and *Indonesia: "Operation Cleansing" Human Rights and APEC*, November 1994 (ASA 21/50/94).

Muchtar Pakpahan was sentenced to three years' imprisonment on 7 November 1994 after an unfair trial. Amnesty International has examined his trial documents and sent a representative to attend a session of his trial. It has concluded that he is a prisoner of conscience. The other nine were sentenced to terms of up to 15 months. Two of them - **Aroziduhu and Sudiaman Zega** - were sentenced to six months in jail, reduced to five months, 11 days following an appeal to the High Court. They have now been released from detention. All the trials fell short of international standards for fairness. Amnesty International believes that the eight who remain in detention may be prisoners of conscience, detained solely for their peaceful activities to promote labour rights. All the prisoners are currently held in Tanjung Gusta prison, Medan.

Labour unrest in Medan, April 1994

The charges against the 11 focused upon violence which erupted during massive labour protests in Medan, North Sumatra's capital city, in April 1994. Beginning on 14 April, and continuing for more than a week, the demonstrations involved tens of thousands of workers from most of the factories in the area. At the outset the demonstrations were orderly and peaceful. The workers called for an increase in the minimum daily wage; official recognition of the SBSI; an investigation into the death of a worker widely believed to have been killed by Indonesian security forces; and the reinstatement of some workers dismissed after a strike.

Towards the end of the first day, and accelerating over the following days, the strike degenerated into violence, including a series of attacks on Chinese-owned factories and shops and the destruction of many vehicles. Most serious, one Chinese factory owner was killed during the riots. Military and government authorities were quick to blame the SBSI leadership for the violence and on 25 April the Ministry of the Interior declared that the SBSI was an "*illegal*" organization. Non-governmental organizations and human rights lawyers offered a different view of events. They suggested that the security forces had provoked the violence by employing excessive force in dealing with the legitimate demands of the workers. They also argued that the military had deliberately diverted attention away from real social and economic issues, by focusing on the racial dimension of the unrest. Although difficult to verify, there was also evidence to suggest that anti-Chinese feeling may have been deliberately stirred by *agents provocateurs* linked to military intelligence, in order to undermine the labour movement, and to justify the imprisonment of its leaders.

Amnesty International does not condone the violence which occurred during the labour riots in Medan. It does not condone such violence but considers that it should not be used to divert attention from human rights violations committed by the government and its security forces.

The trials

The trials of the 11 began in August 1994. The Indonesian Government insisted that the trials were not political in nature, claiming that the defendants were charged with ordinary rather than explicitly political crimes like subversion. The 11 were charged under Articles 160 and 161 of the Indonesian Criminal Code. Article 160 states that those who incite others to disobey a government order or to break the law can be sentenced to a maximum of six years' imprisonment. Article 161 specifies a maximum of four years in jail for distributing written materials which do the same.

The prosecution did not accuse the defendants of urging workers to commit acts of violence. Rather, they alleged that they had taken part in trade union activities, such as setting up local branches of the SBSI and holding meetings with workers to discuss labour conditions and wages, and to plan strikes. They were also accused of taking part in meetings in April 1994, at which plans for the Medan demonstrations were discussed. Some of the defendants were accused of preparing and distributing posters, banners and leaflets which were used during the April demonstrations.

The trial procedures were irregular and unfair to the defendants. For example, in at least two cases the court cancelled pre-trial hearings - at which the detainees planned to challenge the legality of their arrest - on the grounds that the prosecution was ready to proceed with the case. Access to documents relating to the trials was restricted in some cases, as was access to visitors. At least two of the defendants, Amosi Telaumbanua and Riswan Lubis, were reportedly beaten while in pre-trial detention.

The prisoners

Amosi Telaumbanua
Chairman of the Medan branch of the SBSI, he was arrested by the police on 29 April 1994 in Medan. His trial began on 24 August and on 20 October he was convicted and sentenced to 15 months' imprisonment. The prosecution said that he had encouraged workers to make banners for the April labour protest, had posted announcements on trees and telephone poles in the Medan area, and had distributed pamphlets during the demonstration. The prosecution also cited - as evidence of incitement - that on the day of the demonstration Amosi Telaumbanua had called the central office of SBSI in Jakarta to report that it had taken place.

Fatiwanolo Zega, Hayati (f) and Soniman Lafao
The deputy secretary-general, treasurer and vice-chairman of SBSI Medan respectively, all three were charged under Articles 160 or 161. Fatiwanolo Zega and Hayati were found guilty in mid-October and each sentenced to seven months' imprisonment. Soniman Lafao was sentenced to nine months' imprisonment.

Jannes Hutahean and Parlin Manihuruk
Jannes Hutahean is the executive director of a Medan-based labour rights organization *Yayasan Pondokan Rakyat Kreatif* (YPRK). Parlin Manihuruk is the executive secretary of an organization called *Yayasan Kelompok Pelita Sejahtera* (YKPS), also based in Medan. They were abducted in Jakarta by plainclothes police officers and taken to Medan police headquarters on the evening of 13 June 1994. Both were subjected to intensive interrogation for three weeks, after which their detention was extended for a further 40 days by order of the public prosecutor. They were finally charged with "incitement" under Article 160 of the Criminal Code and brought to trial in the first week of October. Jannes Hutahean was sentenced to 7 months' imprisonment on 22 November, reduced to five months 11 days following an appeal to the High Court. Parlin Manihuruk was sentenced to 11 months on 8 December 1994 and is currently awaiting the outcome of his appeal to the High Court.

Maiyasyak Johan
He is a human rights lawyer and executive director of *Lembaga Advokasi Anak Indonesia* (LAAI), an organization which works on behalf of child labourers and other workers. Maiyasyak Johan was first arrested in mid-June 1994 in connection with the Medan labour unrest. He remained under intensive interrogation at Medan police headquarters for several days before being released without charge. However, on 18 September, one day before he

was due to answer a police summons, he was rearrested without warrant after returning from Jakarta to Medan with his family. He was taken to Medan police station where, for at least two weeks, he remained on hunger strike and refused to speak to police interrogators, in a protest against the illegality of his detention. His trial began on 18 October, after the court rejected his request for a pre-trial hearing. He has now been sentenced to nine months' imprisonment.

Muchtar Pakpahan

National leader of the SBSI, Muchtar Pakpahan was sentenced to three years' imprisonment on 7 November 1994. The indictment against Muchtar Pakpahan, cited as "evidence" of incitement that: he set up an SBSI branch in Medan in August 1992; held a training course for 100 workers and tried to recruit them into SBSI; and called for a national strike in January 1994. The prosecution alleged that he had mobilized the workers to take part in the Medan demonstration, and had thus "incited" them to acts of violence.

His trial was marked by serious irregularities. A scheduled pre-trial hearing, during which Muchtar Pakpahan planned to challenge the legality of his arrest, was cancelled by the court on the grounds that the prosecution was ready to proceed with the case. Defence lawyers requested a week to prepare their response to the prosecution, but were granted only three days. The judge refused to allow Muchtar Pakpahan or his lawyers to have a copy of his interrogation deposition. Finally, restrictions were imposed on his access to visitors. This included a refusal to permit a member of Indonesia's Human Rights Commission to visit Dr Pakpahan on the grounds that he was not a family member.

Riswan Lubis

The secretary of SBSI-Medan, he was first arrested on 11 April, three days before the demonstration. He was arrested again on 15 April, immediately after the unrest. Colleagues who saw him in detention at Medan police station said he appeared to have been beaten. His trial began on 8 August. Like the other defendants, he was accused of taking part in meetings in early April and charged under Article 160 of the Criminal Code. At one meeting he was said to have taught some 100 workers how to read their demands - for higher wages and recognition of the SBSI - with enthusiasm. He was found guilty and sentenced to eight months' imprisonment on 10 October.

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Please send brief, courteously worded letters or postcards:

- appealing for the immediate and unconditional release of Muchtar Pakpahan who is a prisoner or conscience detained solely for his peaceful trade union activities;

- saying you believe the other eight prisoners may be prisoners of conscience and that you would be pleased to receive trial documents setting forth evidence of any recognizably criminal acts they are alleged to have committed (you may wish to mention some or all by name).

- calling for their release if they are prisoners of conscience.

President Suharto
Presiden RI
Istana Negara
Jalan Veteran
Jakarta Pusat
Indonesia

Haji Utoyo Usman S.H.
Minister of Justice
HR Rasuna Said
Kav. 6-7
Jakarta Selatan
Indonesia

Ali Alatas
Minister of Foreign Affairs
Menteri Luar Negeri
Medan Taman Pejambon 6
Jakarta
Indonesia

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